

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JULY 1, 2014

AMENDED IN ASSEMBLY JUNE 2, 2014

SENATE BILL

No. 1466

Introduced by Committee on Business, Professions and Economic Development (Senators Lieu (Chair), Berryhill, Block, Corbett, Galgiani, Hernandez, Hill, Padilla, and Wyland)

March 25, 2014

An act to amend Sections 27, 655.2, 2023.5, 2089.5, 2240, 2530.5, 2532.2, 2532.7, 2936, 4021.5, 4053, 4980, 4980.36, 4980.37, 4980.399, 4980.41, 4980.43, 4980.55, 4980.72, 4980.78, 4987.5, 4989.16, 4989.22, 4992.09, 4996.17, 4996.23, 4998, 4999.55, 4999.58, 4999.59, 4999.60, and 4999.123 of, to amend the heading of Chapter 13 (commencing with Section 4980) of Division 2 of, and to repeal Sections 2930.5 and 2987.3 of, the Business and Professions Code, and to amend Section 14132.55 of the Welfare and Institutions Code, relating to health care professionals.

LEGISLATIVE COUNSEL'S DIGEST

SB 1466, as amended, Committee on Business, Professions and Economic Development. Health care professionals.

(1) Existing law prohibits a physician and surgeon, licensed medical corporation, or any audiologist who is not a licensed hearing aid dispenser from employing a licensed hearing aid dispenser for the purpose of fitting or selling hearing aids.

This bill would prohibit a licensed hearing aid dispenser from employing a physician and surgeon or any audiologist who is not a

licensed dispensing audiologist or hearing aid dispenser, or contracting with a licensed medical corporation, for the purpose of fitting or selling hearing aids.

(2) Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law requires the Medical Board of California to review issues and problems surrounding the use of laser or intense light pulse devices for elective cosmetic procedures, in conjunction with the Board of Registered Nursing and in consultation with other specified groups. Existing law requires the board and the Board of Registered Nursing to adopt regulations, by January 1, 2009, with regard to the use of laser or intense pulse light devices for elective cosmetic procedures, as specified. Existing law requires the board to adopt regulations, by January 1, 2013, regarding the appropriate level of physician availability needed within clinics or other settings using laser or intense pulse light devices for elective cosmetic procedures.

This bill would delete the provisions that require the board to adopt regulations by January 1, 2009, and January 1, 2013.

(3) Existing law requires a physician and surgeon who performs a scheduled medical procedure outside of a general acute care hospital that results in the death of any patient on whom that medical treatment was performed by the physician and surgeon, or by a person acting under the physician and surgeon's orders or supervision, to report, in writing on a form prescribed by the board, that occurrence to the board within 15 days after the occurrence. A person who violates this requirement is guilty of a misdemeanor.

This bill would make that provision applicable without regard to whether the procedure was scheduled. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(4) Existing law provides for the licensing and regulation of persons who are engaged in the practice of speech-language pathology or audiology, as specified, and vests the enforcement of these provisions in the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board. Among other requirements, an applicant for licensure as a speech-language pathologist or audiologist is required to submit transcripts from an educational institution approved by the board evidencing completion of specified coursework, and submit evidence of the satisfactory completion of supervised clinical practice with individuals representative of a wide spectrum of ages and communication disorders. Existing law requires the board to establish

by regulation the required number of clock hours, not to exceed 300 clock hours, of supervised clinical practice necessary for the applicant.

This bill would delete the requirement that the applicant submit transcripts from an educational institution approved by the board evidencing completion of specified coursework and would increase the maximum number of clock hours that the board may establish by regulation to 375.

(5) Existing law, the Psychology Licensing Law, provides for the licensure and regulation of psychologists by the Board of Psychology. Under certain circumstances, existing law authorizes the board to issue a fictitious-name permit to a psychologist, as specified.

This bill would repeal the provision that authorizes the issuance of a fictitious-name permit, and would make conforming changes with regard to that repeal. The bill would make other changes to update a provision related to consumer notices, as specified.

(6) Existing law, the Pharmacy Law, governs the regulation of the practice of pharmacy and establishes the California State Board of Pharmacy to administer and enforce these provisions. The law authorizes the board to issue a license to an individual to serve as a designated representative to provide sufficient and qualified supervision in a wholesaler or veterinary food-animal drug retailer, as specified, and requires the licensee to protect the public health and safety in the handling, storage, and shipment of dangerous drugs and dangerous devices in the wholesaler or veterinary food-animal drug retailer. The law also defines a correctional pharmacy to mean a pharmacy, licensed by the board, located within a state correctional facility, as specified.

This bill would require an individual who applies for a designated representative license to be at least 18 years of age. The bill would also revise the definition of a correctional pharmacy to mean a pharmacy, licensed by the board, located within a correctional facility, without regard to whether the facility is a state or local correctional facility.

(7) Existing law, the Licensed Marriage and Family Therapist Act, provides for the licensure and regulation of marriage and family therapists by the Board of Behavioral Sciences. Existing law sets forth the educational and training requirements for licensure as a marriage and family therapist. Existing law, among other requirements, requires an applicant for licensure as a marriage and family therapist to complete 75 hours of client centered advocacy or face-to-face counseling, as specified.

This bill would authorize an applicant for licensure as a marriage and family therapist to meet this requirement by completing 75 hours of client centered advocacy or face-to-face counseling, or any combination thereof.

(8) Existing law, the Educational Psychologist Practice Act, provides for the licensure and regulation of educational psychologists by the Board of Behavioral Sciences. Existing law authorizes an applicant for examination who has passed the standard written examination to take a clinical vignette written examination for licensure if that applicant is the subject of a complaint or under investigation by the board, as specified.

This bill would eliminate the clinical vignette written examination for those purposes, and would make conforming changes to other provisions.

(9) Existing law requires an applicant for licensure as a marriage and family therapist, clinical social worker, or professional clinical counselor to participate in and obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure or renewal of a license.

This bill would permit an applicant who holds a registration eligible for renewal, with an expiration date no later than June 30, 2016, and who applies for renewal of that registration between January 1, 2016, and June 30, 2016, if eligible, to renew the registration without first participating in the California law and ethics examination. The bill would require the applicant to pass that examination prior to licensure or issuance of a subsequent registration number. The bill would also permit an applicant who holds or has held a registration, with an expiration date no later than January 1, 2017, and who applies for a subsequent registration number between January 1, 2016, and January 1, 2017, if eligible, to obtain the subsequent registration number without first passing the California law and ethics examination, if he or she passes the law and ethics examination during the next renewal period or prior to licensure, whichever occurs first.

This bill would make other changes relating to licensure as a marriage and family therapist, clinical social worker, or professional clinical counselor.

The bill would also make other technical, conforming, and clarifying changes.

(10) This bill would incorporate additional changes to Sections 4980.72, 4980.78, 4999.58, 4999.59, and 4999.60 of the Business and

Professions Code proposed by AB 2213, to be operative only if AB 2213 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.

(10)

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27 of the Business and Professions Code
2 is amended to read:
3 27. (a) Each entity specified in subdivisions (c), (d), and (e)
4 shall provide on the Internet information regarding the status of
5 every license issued by that entity in accordance with the California
6 Public Records Act (Chapter 3.5 (commencing with Section 6250)
7 of Division 7 of Title 1 of the Government Code) and the
8 Information Practices Act of 1977 (Chapter 1 (commencing with
9 Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).
10 The public information to be provided on the Internet shall include
11 information on suspensions and revocations of licenses issued by
12 the entity and other related enforcement action, including
13 accusations filed pursuant to the Administrative Procedure Act
14 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
15 Division 3 of Title 2 of the Government Code) taken by the entity
16 relative to persons, businesses, or facilities subject to licensure or
17 regulation by the entity. The information may not include personal
18 information, including home telephone number, date of birth, or
19 social security number. Each entity shall disclose a licensee's
20 address of record. However, each entity shall allow a licensee to
21 provide a post office box number or other alternate address, instead
22 of his or her home address, as the address of record. This section
23 shall not preclude an entity from also requiring a licensee, who
24 has provided a post office box number or other alternative mailing
25 address as his or her address of record, to provide a physical
26 business address or residence address only for the entity's internal

1 administrative use and not for disclosure as the licensee's address
2 of record or disclosure on the Internet.

3 (b) In providing information on the Internet, each entity specified
4 in subdivisions (c) and (d) shall comply with the Department of
5 Consumer Affairs' guidelines for access to public records.

6 (c) Each of the following entities within the Department of
7 Consumer Affairs shall comply with the requirements of this
8 section:

9 (1) The Board for Professional Engineers, Land Surveyors, and
10 Geologists shall disclose information on its registrants and
11 licensees.

12 (2) The Bureau of Automotive Repair shall disclose information
13 on its licensees, including auto repair dealers, smog stations, lamp
14 and brake stations, smog check technicians, and smog inspection
15 certification stations.

16 (3) The Bureau of Electronic and Appliance Repair, Home
17 Furnishings, and Thermal Insulation shall disclose information on
18 its licensees and registrants, including major appliance repair
19 dealers, combination dealers (electronic and appliance), electronic
20 repair dealers, service contract sellers, and service contract
21 administrators.

22 (4) The Cemetery and Funeral Bureau shall disclose information
23 on its licensees, including cemetery brokers, cemetery salespersons,
24 cemetery managers, crematory managers, cemetery authorities,
25 crematories, cremated remains disposers, embalmers, funeral
26 establishments, and funeral directors.

27 (5) The Professional Fiduciaries Bureau shall disclose
28 information on its licensees.

29 (6) The Contractors' State License Board shall disclose
30 information on its licensees and registrants in accordance with
31 Chapter 9 (commencing with Section 7000) of Division 3. In
32 addition to information related to licenses as specified in
33 subdivision (a), the board shall also disclose information provided
34 to the board by the Labor Commissioner pursuant to Section 98.9
35 of the Labor Code.

36 (7) The Bureau for Private Postsecondary Education shall
37 disclose information on private postsecondary institutions under
38 its jurisdiction, including disclosure of notices to comply issued
39 pursuant to Section 94935 of the Education Code.

1 (8) The California Board of Accountancy shall disclose
2 information on its licensees and registrants.

3 (9) The California Architects Board shall disclose information
4 on its licensees, including architects and landscape architects.

5 (10) The State Athletic Commission shall disclose information
6 on its licensees and registrants.

7 (11) The State Board of Barbering and Cosmetology shall
8 disclose information on its licensees.

9 (12) The State Board of Guide Dogs for the Blind shall disclose
10 information on its licensees and registrants.

11 (13) The Acupuncture Board shall disclose information on its
12 licensees.

13 (14) The Board of Behavioral Sciences shall disclose
14 information on its licensees, including licensed marriage and family
15 therapists, licensed clinical social workers, licensed educational
16 psychologists, and licensed professional clinical counselors.

17 (15) The Dental Board of California shall disclose information
18 on its licensees.

19 (16) The State Board of Optometry shall disclose information
20 regarding certificates of registration to practice optometry,
21 statements of licensure, optometric corporation registrations, branch
22 office licenses, and fictitious name permits of its licensees.

23 (17) The Board of Psychology shall disclose information on its
24 licensees, including psychologists, psychological assistants, and
25 registered psychologists.

26 (d) The State Board of Chiropractic Examiners shall disclose
27 information on its licensees.

28 (e) The Structural Pest Control Board shall disclose information
29 on its licensees, including applicators, field representatives, and
30 operators in the areas of fumigation, general pest and wood
31 destroying pests and organisms, and wood roof cleaning and
32 treatment.

33 (f) “Internet” for the purposes of this section has the meaning
34 set forth in paragraph (6) of subdivision (f) of Section 17538.

35 SEC. 2. Section 655.2 of the Business and Professions Code
36 is amended to read:

37 655.2. (a) (1) No physician and surgeon or medical
38 corporation licensed under Chapter 5 (commencing with Section
39 2000), nor any audiologist who is not a licensed dispensing
40 audiologist or hearing aid dispenser shall employ any individual

1 licensed pursuant to Article 8 (commencing with Section 2538.10)
2 of Chapter 5.3 for the purpose of fitting or selling hearing aids.

3 (2) No individual licensed pursuant to Article 8 (commencing
4 with Section 2538.10) of Chapter 5.3 shall employ any physician
5 and surgeon or any audiologist who is not a licensed dispensing
6 audiologist or hearing aid dispenser, or contract with a medical
7 corporation licensed under Chapter 5 (commencing with Section
8 2000), for the purpose of fitting or selling hearing aids.

9 (b) This section shall not apply to any physician and surgeon
10 or medical corporation that contracts with or is affiliated with a
11 comprehensive group practice health care service plan licensed
12 pursuant to the Knox-Keene Health Care Service Plan Act, as set
13 forth in Chapter 2.2 (commencing with Section 1340) of Division
14 2 of the Health and Safety Code.

15 SEC. 3. Section 2023.5 of the Business and Professions Code
16 is amended to read:

17 2023.5. (a) The board, in conjunction with the Board of
18 Registered Nursing, and in consultation with the Physician
19 Assistant Committee and professionals in the field, shall review
20 issues and problems surrounding the use of laser or intense light
21 pulse devices for elective cosmetic procedures by physicians and
22 surgeons, nurses, and physician assistants. The review shall include,
23 but need not be limited to, all of the following:

- 24 (1) The appropriate level of physician supervision needed.
- 25 (2) The appropriate level of training to ensure competency.
- 26 (3) Guidelines for standardized procedures and protocols that
27 address, at a minimum, all of the following:
 - 28 (A) Patient selection.
 - 29 (B) Patient education, instruction, and informed consent.
 - 30 (C) Use of topical agents.
 - 31 (D) Procedures to be followed in the event of complications or
32 side effects from the treatment.
 - 33 (E) Procedures governing emergency and urgent care situations.

34 (b) Nothing in this section shall be construed to modify the
35 prohibition against the unlicensed practice of medicine.

36 SEC. 4. Section 2089.5 of the Business and Professions Code
37 is amended to read:

38 2089.5. (a) Clinical instruction in the subjects listed in
39 subdivision (b) of Section 2089 shall meet the requirements of this
40 section and shall be considered adequate if the requirements of

subdivision (a) of Section 2089 and the requirements of this section are satisfied.

(b) Instruction in the clinical courses shall total a minimum of 72 weeks in length.

(c) Instruction in the core clinical courses of surgery, medicine, family medicine, pediatrics, obstetrics and gynecology, and psychiatry shall total a minimum of 40 weeks in length with a minimum of eight weeks instruction in surgery, eight weeks in medicine, six weeks in pediatrics, six weeks in obstetrics and gynecology, a minimum of four weeks in family medicine, and four weeks in psychiatry.

(d) Of the instruction required by subdivision (b), including all of the instruction required by subdivision (c), 54 weeks shall be performed in a hospital that sponsors the instruction and shall meet one of the following:

(1) Is a formal part of the medical school or school of osteopathic medicine.

(2) Has a residency program, approved by the Accreditation Council for Graduate Medical Education (ACGME) or the Royal College of Physicians and Surgeons of Canada (RCPSC), in family practice or in the clinical area of the instruction for which credit is being sought.

(3) Is formally affiliated with an approved medical school or school of osteopathic medicine located in the United States or Canada. If the affiliation is limited in nature, credit shall be given only in the subject areas covered by the affiliation agreement.

(4) Is formally affiliated with a medical school or a school of osteopathic medicine located outside the United States or Canada.

(e) If the institution, specified in subdivision (d), is formally affiliated with a medical school or a school of osteopathic medicine located outside the United States or Canada, it shall meet the following:

(1) The formal affiliation shall be documented by a written contract detailing the relationship between the medical school, or a school of osteopathic medicine, and hospital and the responsibilities of each.

(2) The school and hospital shall provide to the board a description of the clinical program. The description shall be in sufficient detail to enable the board to determine whether or not the program provides students an adequate medical education. The

1 board shall approve the program if it determines that the program
2 provides an adequate medical education. If the board does not
3 approve the program, it shall provide its reasons for disapproval
4 to the school and hospital in writing specifying its findings about
5 each aspect of the program that it considers to be deficient and the
6 changes required to obtain approval.

7 (3) The hospital, if located in the United States, shall be
8 accredited by the Joint Commission on Accreditation of Hospitals,
9 or the American Osteopathic Association's Healthcare Facilities
10 Accreditation Program, and if located in another country, shall be
11 accredited in accordance with the law of that country.

12 (4) The clinical instruction shall be supervised by a full-time
13 director of medical education, and the head of the department for
14 each core clinical course shall hold a full-time faculty appointment
15 of the medical school or school of osteopathic medicine and shall
16 be board certified or eligible, or have an equivalent credential in
17 that specialty area appropriate to the country in which the hospital
18 is located.

19 (5) The clinical instruction shall be conducted pursuant to a
20 written program of instruction provided by the school.

21 (6) The school shall supervise the implementation of the
22 program on a regular basis, documenting the level and extent of
23 its supervision.

24 (7) The hospital-based faculty shall evaluate each student on a
25 regular basis and shall document the completion of each aspect of
26 the program for each student.

27 (8) The hospital shall ensure a minimum daily census adequate
28 to meet the instructional needs of the number of students enrolled
29 in each course area of clinical instruction, but not less than 15
30 patients in each course area of clinical instruction.

31 (9) The board, in reviewing the application of a foreign medical
32 graduate, may require the applicant to submit a description of the
33 clinical program, if the board has not previously approved the
34 program, and may require the applicant to submit documentation
35 to demonstrate that the applicant's clinical training met the
36 requirements of this subdivision.

37 (10) The medical school or school of osteopathic medicine shall
38 bear the reasonable cost of any site inspection by the board or its
39 agents necessary to determine whether the clinical program offered
40 is in compliance with this subdivision.

1 SEC. 5. Section 2240 of the Business and Professions Code is
2 amended to read:

3 2240. (a) A physician and surgeon who performs a medical
4 procedure outside of a general acute care hospital, as defined in
5 subdivision (a) of Section 1250 of the Health and Safety Code,
6 that results in the death of any patient on whom that medical
7 treatment was performed by the physician and surgeon, or by a
8 person acting under the physician and surgeon's orders or
9 supervision, shall report, in writing on a form prescribed by the
10 board, that occurrence to the board within 15 days after the
11 occurrence.

12 (b) A physician and surgeon who performs a scheduled medical
13 procedure outside of a general acute care hospital, as defined in
14 subdivision (a) of Section 1250 of the Health and Safety Code,
15 that results in the transfer to a hospital or emergency center for
16 medical treatment for a period exceeding 24 hours, of any patient
17 on whom that medical treatment was performed by the physician
18 and surgeon, or by a person acting under the physician and
19 surgeon's orders or supervision, shall report, in writing, on a form
20 prescribed by the board that occurrence, within 15 days after the
21 occurrence. The form shall contain all of the following information:

- 22 (1) Name of the patient's physician in the outpatient setting.
- 23 (2) Name of the physician with hospital privileges.
- 24 (3) Name of the patient and patient identifying information.
- 25 (4) Name of the hospital or emergency center where the patient
26 was transferred.
- 27 (5) Type of outpatient procedures being performed.
- 28 (6) Events triggering the transfer.
- 29 (7) Duration of the hospital stay.
- 30 (8) Final disposition or status, if not released from the hospital,
31 of the patient.
- 32 (9) Physician's practice specialty and ABMS certification, if
33 applicable.

34 (c) The form described in subdivision (b) shall be constructed
35 in a format to enable the physician and surgeon to transmit the
36 information in paragraphs (5) to (9), inclusive, to the board in a
37 manner that the physician and surgeon and the patient are
38 anonymous and their identifying information is not transmitted to
39 the board. The entire form containing information described in

1 paragraphs (1) to (9), inclusive, shall be placed in the patient's
2 medical record.

3 (d) The board shall aggregate the data and publish an annual
4 report on the information collected pursuant to subdivisions (a)
5 and (b).

6 (e) On and after January 1, 2002, the data required in subdivision
7 (b) shall be sent to the Office of Statewide Health Planning and
8 Development (OSHPD) instead of the board. OSHPD may revise
9 the reporting requirements to fit state and national standards, as
10 applicable. The board shall work with OSHPD in developing the
11 reporting mechanism to satisfy the data collection requirements
12 of this section.

13 (f) The failure to comply with this section constitutes
14 unprofessional conduct.

15 SEC. 6. Section 2530.5 of the Business and Professions Code
16 is amended to read:

17 2530.5. (a) Nothing in this chapter shall be construed as
18 restricting hearing testing conducted by licensed physicians and
19 surgeons or by persons conducting hearing tests under the direct
20 supervision of a physician and surgeon.

21 (b) Nothing in this chapter shall be construed to prevent a
22 licensed hearing aid dispenser from engaging in testing of hearing
23 and other practices and procedures used solely for the fitting and
24 selling of hearing aids nor does this chapter restrict persons
25 practicing their licensed profession and operating within the scope
26 of their licensed profession or employed by someone operating
27 within the scope of their licensed professions, including persons
28 fitting and selling hearing aids who are properly licensed or
29 registered under the laws of the State of California.

30 (c) Nothing in this chapter shall be construed as restricting or
31 preventing the practice of speech-language pathology or audiology
32 by personnel holding the appropriate credential from the
33 Commission on Teacher Credentialing as long as the practice is
34 conducted within the confines of or under the jurisdiction of a
35 public preschool, elementary, or secondary school by which they
36 are employed and those persons do not either offer to render or
37 render speech-language pathology or audiology services to the
38 public for compensation over and above the salary they receive
39 from the public preschool, elementary, or secondary school by

1 which they are employed for the performance of their official
2 duties.

3 (d) Nothing in this chapter shall be construed as restricting the
4 activities and services of a student or speech-language pathology
5 intern in speech-language pathology pursuing a course of study
6 leading to a degree in speech-language pathology at an accredited
7 or approved college or university or an approved clinical training
8 facility, provided that these activities and services constitute a part
9 of his or her supervised course of study and that those persons are
10 designated by the title as “speech-language pathology intern,”
11 “speech-language pathology trainee,” or other title clearly
12 indicating the training status appropriate to his or her level of
13 training.

14 (e) Nothing in this chapter shall be construed as restricting the
15 activities and services of a student or audiology intern in audiology
16 pursuing a course of study leading to a degree in audiology at an
17 accredited or approved college or university or an approved clinical
18 training facility, provided that these activities and services
19 constitute a part of his or her supervised course of study and that
20 those persons are designated by the title as “audiology intern,”
21 “audiology trainee,” or other title clearly indicating the training
22 status appropriate to his or her level of training.

23 (f) Nothing in this chapter shall be construed as restricting the
24 practice of an applicant who is obtaining the required professional
25 experience specified in subdivision (c) of Section 2532.2 and who
26 has been issued a temporary license pursuant to Section 2532.7.
27 The number of applicants who may be supervised by a licensed
28 speech-language pathologist or a speech-language pathologist
29 having qualifications deemed equivalent by the board shall be
30 determined by the board. The supervising speech-language
31 pathologist shall register with the board the name of each applicant
32 working under his or her supervision, and shall submit to the board
33 a description of the proposed professional responsibilities of the
34 applicant working under his or her supervision. The number of
35 applicants who may be supervised by a licensed audiologist or an
36 audiologist having qualifications deemed equivalent by the board
37 shall be determined by the board. The supervising audiologist shall
38 register with the board the name of each applicant working under
39 his or her supervision, and shall submit to the board a description

1 of the proposed professional responsibilities of the applicant
2 working under his or her supervision.

3 (g) Nothing in this chapter shall be construed as restricting
4 hearing screening services in public or private elementary or
5 secondary schools so long as these screening services are provided
6 by persons registered as qualified school audiometrists pursuant
7 to Sections 1685 and 1686 of the Health and Safety Code or hearing
8 screening services supported by the State Department of Health
9 Care Services so long as these screening services are provided by
10 appropriately trained or qualified personnel.

11 (h) Persons employed as speech-language pathologists or
12 audiologists by a federal agency shall be exempt from this chapter.

13 (i) Nothing in this chapter shall be construed as restricting
14 consultation or the instructional or supervisory activities of a
15 faculty member of an approved or accredited college or university
16 for the first 60 days following appointment after the effective date
17 of this subdivision.

18 SEC. 7. Section 2532.2 of the Business and Professions Code
19 is amended to read:

20 2532.2. Except as required by Section 2532.25, to be eligible
21 for licensure by the board as a speech-language pathologist or
22 audiologist, the applicant shall possess all of the following
23 qualifications:

24 (a) Possess at least a master's degree in speech-language
25 pathology or audiology from an educational institution approved
26 by the board or qualifications deemed equivalent by the board.

27 (b) (1) Submit evidence of the satisfactory completion of
28 supervised clinical practice with individuals representative of a
29 wide spectrum of ages and communication disorders. The board
30 shall establish by regulation the required number of clock hours,
31 not to exceed 375 clock hours, of supervised clinical practice
32 necessary for the applicant.

33 (2) The clinical practice shall be under the direction of an
34 educational institution approved by the board.

35 (c) Submit evidence of no less than 36 weeks of satisfactorily
36 completed supervised professional full-time experience or 72 weeks
37 of professional part-time experience obtained under the supervision
38 of a licensed speech-language pathologist or audiologist or a
39 speech-language pathologist or audiologist having qualifications
40 deemed equivalent by the board. This experience shall be evaluated

1 and approved by the board. The required professional experience
2 shall follow completion of the requirements listed in subdivisions
3 (a) and (b). Full time is defined as at least 36 weeks in a calendar
4 year and a minimum of 30 hours per week. Part time is defined as
5 a minimum of 72 weeks and a minimum of 15 hours per week.

6 (d) (1) Pass an examination or examinations approved by the
7 board. The board shall determine the subject matter and scope of
8 the examinations and may waive the examination upon evidence
9 that the applicant has successfully completed an examination
10 approved by the board. Written examinations may be supplemented
11 by oral examinations as the board shall determine. An applicant
12 who fails his or her examination may be reexamined at a
13 subsequent examination upon payment of the reexamination fee
14 required by this chapter.

15 (2) A speech-language pathologist or audiologist who holds a
16 license from another state or territory of the United States or who
17 holds equivalent qualifications as determined by the board and
18 who has completed no less than one year of full-time continuous
19 employment as a speech-language pathologist or audiologist within
20 the past three years is exempt from the supervised professional
21 experience in subdivision (c).

22 (e) As applied to licensure as an audiologist, this section shall
23 apply to applicants who graduated from an approved educational
24 institution on or before December 31, 2007.

25 SEC. 8. Section 2532.7 of the Business and Professions Code
26 is amended to read:

27 2532.7. (a) Upon approval of an application filed pursuant to
28 Section 2532.1, and upon payment of the fee prescribed by Section
29 2534.2, the board may issue a required professional experience
30 (RPE) temporary license for a period to be determined by the board
31 to an applicant who is obtaining the required professional
32 experience specified in subdivision (c) of Section 2532.2 or
33 paragraph (2) of subdivision (b) of Section 2532.25.

34 (b) Effective July 1, 2003, no person shall obtain the required
35 professional experience for licensure in either an exempt or
36 nonexempt setting, as defined in Section 2530.5, unless he or she
37 is licensed in accordance with this section or is completing the
38 final clinical externship of a board-approved audiology doctoral
39 training program in accordance with paragraph (2) of subdivision
40 (b) of Section 2532.25 in another state.

(c) A person who obtains an RPE temporary license outside the State of California shall not be required to hold a temporary license issued pursuant to subdivision (a) if the person is completing the final clinical externship of an audiology doctoral training program in accordance with paragraph (2) of subdivision (b) of Section 2532.25.

(d) Any experience obtained in violation of this act shall not be approved by the board.

(e) An RPE temporary license shall terminate upon notice thereof by certified mail, return receipt requested, if it is issued by mistake or if the application for permanent licensure is denied.

(f) Upon written application, the board may reissue an RPE temporary license for a period to be determined by the board to an applicant who is obtaining the required professional experience specified in subdivision (c) of Section 2532.2 or paragraph (2) of subdivision (b) of Section 2532.25.

SEC. 9. Section 2930.5 of the Business and Professions Code is repealed.

SEC. 10. Section 2936 of the Business and Professions Code is amended to read:

2936. The board shall adopt a program of consumer and professional education in matters relevant to the ethical practice of psychology. The board shall establish as its standards of ethical conduct relating to the practice of psychology, the “Ethical Principles of Psychologists and Code of Conduct” published by the American Psychological Association (APA). Those standards shall be applied by the board as the accepted standard of care in all licensing examination development and in all board enforcement policies and disciplinary case evaluations.

To facilitate consumers in receiving appropriate psychological services, all licensees and registrants shall be required to post, in a conspicuous location in their principal psychological business office, a notice which reads as follows:

“NOTICE TO CONSUMERS: The Department of Consumer Affairs’s Board of Psychology receives and responds to questions and complaints regarding the practice of psychology. If you have questions or complaints, you may contact the board by email at bopmail@dca.ca.gov, on the Internet at www.psychology.ca.gov,

1 by calling 1-866-503-3221, or by writing to the following
2 address:

3 Board of Psychology
4 1625 North Market Boulevard, Suite –215
5 Sacramento, California 95834”
6

7 SEC. 11. Section 2987.3 of the Business and Professions Code
8 is repealed.

9 SEC. 12. Section 4021.5 of the Business and Professions Code
10 is amended to read:

11 4021.5. “Correctional pharmacy” means a pharmacy, licensed
12 by the board, located within a correctional facility for the purpose
13 of providing pharmaceutical care to inmates of the correctional
14 facility.

15 SEC. 13. Section 4053 of the Business and Professions Code
16 is amended to read:

17 4053. (a) Notwithstanding Section 4051, the board may issue
18 a license as a designated representative to provide sufficient and
19 qualified supervision in a wholesaler or veterinary food-animal
20 drug retailer. The designated representative shall protect the public
21 health and safety in the handling, storage, and shipment of
22 dangerous drugs and dangerous devices in the wholesaler or
23 veterinary food-animal drug retailer.

24 (b) An individual who is at least 18 years of age may apply for
25 a designated representative license. In order to obtain and maintain
26 that license, the individual shall meet all of the following
27 requirements:

28 (1) He or she shall be a high school graduate or possess a general
29 education development certificate equivalent.

30 (2) He or she shall have a minimum of one year of paid work
31 experience in a licensed pharmacy, or with a drug wholesaler, drug
32 distributor, or drug manufacturer, in the past three years, related
33 to the distribution or dispensing of dangerous drugs or dangerous
34 devices or meet all of the prerequisites to take the examination
35 required for licensure as a pharmacist by the board.

36 (3) He or she shall complete a training program approved by
37 the board that, at a minimum, addresses each of the following
38 subjects:

1 (A) Knowledge and understanding of California law and federal
2 law relating to the distribution of dangerous drugs and dangerous
3 devices.

4 (B) Knowledge and understanding of California law and federal
5 law relating to the distribution of controlled substances.

6 (C) Knowledge and understanding of quality control systems.

7 (D) Knowledge and understanding of the United States
8 Pharmacopoeia standards relating to the safe storage and handling
9 of drugs.

10 (E) Knowledge and understanding of prescription terminology,
11 abbreviations, dosages, and format.

12 (4) The board may, by regulation, require training programs to
13 include additional material.

14 (5) The board may not issue a license as a designated
15 representative until the applicant provides proof of completion of
16 the required training to the board.

17 (c) The veterinary food-animal drug retailer or wholesaler shall
18 not operate without a pharmacist or a designated representative
19 on its premises.

20 (d) Only a pharmacist or a designated representative shall
21 prepare and affix the label to veterinary food-animal drugs.

22 (e) Section 4051 shall not apply to any laboratory licensed under
23 Section 351 of Title III of the Public Health Service Act (Public
24 Law 78-410).

25 SEC. 14. The heading of Chapter 13 (commencing with Section
26 4980) of Division 2 of the Business and Professions Code is
27 amended to read:

28
29 CHAPTER 13. LICENSED MARRIAGE AND FAMILY THERAPISTS
30

31 SEC. 15. Section 4980 of the Business and Professions Code
32 is amended to read:

33 4980. (a) (1) Many California families and many individual
34 Californians are experiencing difficulty and distress, and are in
35 need of wise, competent, caring, compassionate, and effective
36 counseling in order to enable them to improve and maintain healthy
37 family relationships.

38 (2) Healthy individuals and healthy families and healthy
39 relationships are inherently beneficial and crucial to a healthy
40 society, and are our most precious and valuable natural resource.

1 Licensed marriage and family therapists provide a crucial support
2 for the well-being of the people and the State of California.

3 (b) No person may engage in the practice of marriage and family
4 therapy as defined by Section 4980.02, unless he or she holds a
5 valid license as a marriage and family therapist, or unless he or
6 she is specifically exempted from that requirement, nor may any
7 person advertise himself or herself as performing the services of
8 a marriage, family, child, domestic, or marital consultant, or in
9 any way use these or any similar titles, including the letters
10 “L.M.F.T.” “M.F.T.,” or “M.F.C.C.,” or other name, word initial,
11 or symbol in connection with or following his or her name to imply
12 that he or she performs these services without a license as provided
13 by this chapter. Persons licensed under Article 4 (commencing
14 with Section 4996) of Chapter 14 of Division 2, or under Chapter
15 6.6 (commencing with Section 2900) may engage in such practice
16 or advertise that they practice marriage and family therapy but
17 may not advertise that they hold the marriage and family therapist’s
18 license.

19 SEC. 16. Section 4980.36 of the Business and Professions
20 Code is amended to read:

21 4980.36. (a) This section shall apply to the following:

22 (1) Applicants for licensure or registration who begin graduate
23 study before August 1, 2012, and do not complete that study on
24 or before December 31, 2018.

25 (2) Applicants for licensure or registration who begin graduate
26 study before August 1, 2012, and who graduate from a degree
27 program that meets the requirements of this section.

28 (3) Applicants for licensure or registration who begin graduate
29 study on or after August 1, 2012.

30 (b) To qualify for a license or registration, applicants shall
31 possess a doctoral or master’s degree meeting the requirements of
32 this section in marriage, family, and child counseling, marriage
33 and family therapy, couple and family therapy, psychology, clinical
34 psychology, counseling psychology, or counseling with an
35 emphasis in either marriage, family, and child counseling or
36 marriage and family therapy, obtained from a school, college, or
37 university approved by the Bureau for Private Postsecondary
38 Education, or accredited by either the Commission on Accreditation
39 for Marriage and Family Therapy Education, or a regional
40 accrediting agency that is recognized by the United States

1 Department of Education. The board has the authority to make the
2 final determination as to whether a degree meets all requirements,
3 including, but not limited to, course requirements, regardless of
4 accreditation or approval.

5 (c) A doctoral or master's degree program that qualifies for
6 licensure or registration shall do the following:

7 (1) Integrate all of the following throughout its curriculum:

8 (A) Marriage and family therapy principles.

9 (B) The principles of mental health recovery-oriented care and
10 methods of service delivery in recovery-oriented practice
11 environments, among others.

12 (C) An understanding of various cultures and the social and
13 psychological implications of socioeconomic position, and an
14 understanding of how poverty and social stress impact an
15 individual's mental health and recovery.

16 (2) Allow for innovation and individuality in the education of
17 marriage and family therapists.

18 (3) Encourage students to develop the personal qualities that
19 are intimately related to effective practice, including, but not
20 limited to, integrity, sensitivity, flexibility, insight, compassion,
21 and personal presence.

22 (4) Permit an emphasis or specialization that may address any
23 one or more of the unique and complex array of human problems,
24 symptoms, and needs of Californians served by marriage and
25 family therapists.

26 (5) Provide students with the opportunity to meet with various
27 consumers and family members of consumers of mental health
28 services to enhance understanding of their experience of mental
29 illness, treatment, and recovery.

30 (d) The degree described in subdivision (b) shall contain no less
31 than 60 semester or 90 quarter units of instruction that includes,
32 but is not limited to, the following requirements:

33 (1) Both of the following:

34 (A) No less than 12 semester or 18 quarter units of coursework
35 in theories, principles, and methods of a variety of
36 psychotherapeutic orientations directly related to marriage and
37 family therapy and marital and family systems approaches to
38 treatment and how these theories can be applied therapeutically
39 with individuals, couples, families, adults, including elder adults,

1 children, adolescents, and groups to improve, restore, or maintain
2 healthy relationships.

3 (B) Practicum that involves direct client contact, as follows:

4 (i) A minimum of six semester or nine quarter units of practicum
5 in a supervised clinical placement that provides supervised
6 fieldwork experience.

7 (ii) A minimum of 150 hours of face-to-face experience
8 counseling individuals, couples, families, or groups.

9 (iii) A student must be enrolled in a practicum course while
10 counseling clients, except as specified in subdivision (c) of Section
11 4980.42.

12 (iv) The practicum shall provide training in all of the following
13 areas:

14 (I) Applied use of theory and psychotherapeutic techniques.

15 (II) Assessment, diagnosis, and prognosis.

16 (III) Treatment of individuals and premarital, couple, family,
17 and child relationships, including trauma and abuse, dysfunctions,
18 healthy functioning, health promotion, illness prevention, and
19 working with families.

20 (IV) Professional writing, including documentation of services,
21 treatment plans, and progress notes.

22 (V) How to connect people with resources that deliver the
23 quality of services and support needed in the community.

24 (v) Educational institutions are encouraged to design the
25 practicum required by this subparagraph to include marriage and
26 family therapy experience in low income and multicultural mental
27 health settings.

28 (vi) In addition to the 150 hours required in clause (ii), 75 hours
29 of either of the following, or a combination thereof:

30 (I) Client centered advocacy, as defined in Section 4980.03.

31 (II) Face-to-face experience counseling individuals, couples,
32 families, or groups.

33 (2) Instruction in all of the following:

34 (A) Diagnosis, assessment, prognosis, and treatment of mental
35 disorders, including severe mental disorders, evidence-based
36 practices, psychological testing, psychopharmacology, and
37 promising mental health practices that are evaluated in peer
38 reviewed literature.

39 (B) Developmental issues from infancy to old age, including
40 instruction in all of the following areas:

- 1 (i) The effects of developmental issues on individuals, couples,
2 and family relationships.
- 3 (ii) The psychological, psychotherapeutic, and health
4 implications of developmental issues and their effects.
- 5 (iii) Aging and its biological, social, cognitive, and
6 psychological aspects. This coursework shall include instruction
7 on the assessment and reporting of, as well as treatment related
8 to, elder and dependent adult abuse and neglect.
- 9 (iv) A variety of cultural understandings of human development.
- 10 (v) The understanding of human behavior within the social
11 context of socioeconomic status and other contextual issues
12 affecting social position.
- 13 (vi) The understanding of human behavior within the social
14 context of a representative variety of the cultures found within
15 California.
- 16 (vii) The understanding of the impact that personal and social
17 insecurity, social stress, low educational levels, inadequate housing,
18 and malnutrition have on human development.
- 19 (C) The broad range of matters and life events that may arise
20 within marriage and family relationships and within a variety of
21 California cultures, including instruction in all of the following:
 - 22 (i) A minimum of seven contact hours of training or coursework
23 in child abuse assessment and reporting as specified in Section 28,
24 and any regulations promulgated thereunder.
 - 25 (ii) Spousal or partner abuse assessment, detection, intervention
26 strategies, and same gender abuse dynamics.
 - 27 (iii) Cultural factors relevant to abuse of partners and family
28 members.
 - 29 (iv) Childbirth, child rearing, parenting, and stepparenting.
 - 30 (v) Marriage, divorce, and blended families.
 - 31 (vi) Long-term care.
 - 32 (vii) End of life and grief.
 - 33 (viii) Poverty and deprivation.
 - 34 (ix) Financial and social stress.
 - 35 (x) Effects of trauma.
 - 36 (xi) The psychological, psychotherapeutic, community, and
37 health implications of the matters and life events described in
38 clauses (i) to (x), inclusive.

1 (D) Cultural competency and sensitivity, including a familiarity
2 with the racial, cultural, linguistic, and ethnic backgrounds of
3 persons living in California.

4 (E) Multicultural development and cross-cultural interaction,
5 including experiences of race, ethnicity, class, spirituality, sexual
6 orientation, gender, and disability, and their incorporation into the
7 psychotherapeutic process.

8 (F) The effects of socioeconomic status on treatment and
9 available resources.

10 (G) Resilience, including the personal and community qualities
11 that enable persons to cope with adversity, trauma, tragedy, threats,
12 or other stresses.

13 (H) Human sexuality, including the study of physiological,
14 psychological, and social cultural variables associated with sexual
15 behavior and gender identity, and the assessment and treatment of
16 psychosexual dysfunction.

17 (I) Substance use disorders, co-occurring disorders, and
18 addiction, including, but not limited to, instruction in all of the
19 following:

20 (i) The definition of substance use disorders, co-occurring
21 disorders, and addiction. For purposes of this subparagraph,
22 “co-occurring disorders” means a mental illness and substance
23 abuse diagnosis occurring simultaneously in an individual.

24 (ii) Medical aspects of substance use disorders and co-occurring
25 disorders.

26 (iii) The effects of psychoactive drug use.

27 (iv) Current theories of the etiology of substance abuse and
28 addiction.

29 (v) The role of persons and systems that support or compound
30 substance abuse and addiction.

31 (vi) Major approaches to identification, evaluation, and treatment
32 of substance use disorders, co-occurring disorders, and addiction,
33 including, but not limited to, best practices.

34 (vii) Legal aspects of substance abuse.

35 (viii) Populations at risk with regard to substance use disorders
36 and co-occurring disorders.

37 (ix) Community resources offering screening, assessment,
38 treatment, and followup for the affected person and family.

39 (x) Recognition of substance use disorders, co-occurring
40 disorders, and addiction, and appropriate referral.

1 (xi) The prevention of substance use disorders and addiction.
2 (J) California law and professional ethics for marriage and
3 family therapists, including instruction in all of the following areas
4 of study:

5 (i) Contemporary professional ethics and statutory, regulatory,
6 and decisional laws that delineate the scope of practice of marriage
7 and family therapy.

8 (ii) The therapeutic, clinical, and practical considerations
9 involved in the legal and ethical practice of marriage and family
10 therapy, including, but not limited to, family law.

11 (iii) The current legal patterns and trends in the mental health
12 professions.

13 (iv) The psychotherapist-patient privilege, confidentiality, the
14 patient dangerous to self or others, and the treatment of minors
15 with and without parental consent.

16 (v) A recognition and exploration of the relationship between
17 a practitioner's sense of self and human values and his or her
18 professional behavior and ethics.

19 (vi) Differences in legal and ethical standards for different types
20 of work settings.

21 (vii) Licensing law and licensing process.

22 (e) The degree described in subdivision (b) shall, in addition to
23 meeting the requirements of subdivision (d), include instruction
24 in case management, systems of care for the severely mentally ill,
25 public and private services and supports available for the severely
26 mentally ill, community resources for persons with mental illness
27 and for victims of abuse, disaster and trauma response, advocacy
28 for the severely mentally ill, and collaborative treatment. This
29 instruction may be provided either in credit level coursework or
30 through extension programs offered by the degree-granting
31 institution.

32 (f) The changes made to law by this section are intended to
33 improve the educational qualifications for licensure in order to
34 better prepare future licentiates for practice, and are not intended
35 to expand or restrict the scope of practice for marriage and family
36 therapists.

37 SEC. 17. Section 4980.37 of the Business and Professions
38 Code is amended to read:

39 4980.37. (a) This section shall apply to applicants for licensure
40 or registration who begin graduate study before August 1, 2012,

1 and complete that study on or before December 31, 2018. Those
2 applicants may alternatively qualify under paragraph (2) of
3 subdivision (a) of Section 4980.36.

4 (b) To qualify for a license or registration, applicants shall
5 possess a doctor's or master's degree in marriage, family, and child
6 counseling, marriage and family therapy, couple and family
7 therapy, psychology, clinical psychology, counseling psychology,
8 or counseling with an emphasis in either marriage, family, and
9 child counseling or marriage and family therapy, obtained from a
10 school, college, or university accredited by a regional accrediting
11 agency that is recognized by the United States Department of
12 Education or approved by the Bureau for Private Postsecondary
13 Education. The board has the authority to make the final
14 determination as to whether a degree meets all requirements,
15 including, but not limited to, course requirements, regardless of
16 accreditation or approval. In order to qualify for licensure pursuant
17 to this section, a doctor's or master's degree program shall be a
18 single, integrated program primarily designed to train marriage
19 and family therapists and shall contain no less than 48 semester
20 or 72 quarter units of instruction. This instruction shall include no
21 less than 12 semester units or 18 quarter units of coursework in
22 the areas of marriage, family, and child counseling, and marital
23 and family systems approaches to treatment. The coursework shall
24 include all of the following areas:

25 (1) The salient theories of a variety of psychotherapeutic
26 orientations directly related to marriage and family therapy, and
27 marital and family systems approaches to treatment.

28 (2) Theories of marriage and family therapy and how they can
29 be utilized in order to intervene therapeutically with couples,
30 families, adults, children, and groups.

31 (3) Developmental issues and life events from infancy to old
32 age and their effect on individuals, couples, and family
33 relationships. This may include coursework that focuses on specific
34 family life events and the psychological, psychotherapeutic, and
35 health implications that arise within couples and families,
36 including, but not limited to, childbirth, child rearing, childhood,
37 adolescence, adulthood, marriage, divorce, blended families,
38 stepparenting, abuse and neglect of older and dependent adults,
39 and geropsychology.

40 (4) A variety of approaches to the treatment of children.

1 The board shall, by regulation, set forth the subjects of instruction
2 required in this subdivision.

3 (c) (1) In addition to the 12 semester or 18 quarter units of
4 coursework specified in subdivision (b), the doctor's or master's
5 degree program shall contain not less than six semester or nine
6 quarter units of supervised practicum in applied psychotherapeutic
7 technique, assessments, diagnosis, prognosis, and treatment of
8 premarital, couple, family, and child relationships, including
9 dysfunctions, healthy functioning, health promotion, and illness
10 prevention, in a supervised clinical placement that provides
11 supervised fieldwork experience within the scope of practice of a
12 marriage and family therapist.

13 (2) For applicants who enrolled in a degree program on or after
14 January 1, 1995, the practicum shall include a minimum of 150
15 hours of face-to-face experience counseling individuals, couples,
16 families, or groups.

17 (3) The practicum hours shall be considered as part of the 48
18 semester or 72 quarter unit requirement.

19 (d) As an alternative to meeting the qualifications specified in
20 subdivision (b), the board shall accept as equivalent degrees those
21 master's or doctor's degrees granted by educational institutions
22 whose degree program is approved by the Commission on
23 Accreditation for Marriage and Family Therapy Education.

24 (e) In order to provide an integrated course of study and
25 appropriate professional training, while allowing for innovation
26 and individuality in the education of marriage and family therapists,
27 a degree program that meets the educational qualifications for
28 licensure or registration under this section shall do all of the
29 following:

30 (1) Provide an integrated course of study that trains students
31 generally in the diagnosis, assessment, prognosis, and treatment
32 of mental disorders.

33 (2) Prepare students to be familiar with the broad range of
34 matters that may arise within marriage and family relationships.

35 (3) Train students specifically in the application of marriage
36 and family relationship counseling principles and methods.

37 (4) Encourage students to develop those personal qualities that
38 are intimately related to the counseling situation such as integrity,
39 sensitivity, flexibility, insight, compassion, and personal presence.

1 (5) Teach students a variety of effective psychotherapeutic
2 techniques and modalities that may be utilized to improve, restore,
3 or maintain healthy individual, couple, and family relationships.

4 (6) Permit an emphasis or specialization that may address any
5 one or more of the unique and complex array of human problems,
6 symptoms, and needs of Californians served by marriage and
7 family therapists.

8 (7) Prepare students to be familiar with cross-cultural mores
9 and values, including a familiarity with the wide range of racial
10 and ethnic backgrounds common among California's population,
11 including, but not limited to, Blacks, Hispanics, Asians, and Native
12 Americans.

13 (f) Educational institutions are encouraged to design the
14 practicum required by this section to include marriage and family
15 therapy experience in low income and multicultural mental health
16 settings.

17 (g) This section shall remain in effect only until January 1, 2019,
18 and as of that date is repealed, unless a later enacted statute, that
19 is enacted before January 1, 2019, deletes or extends that date.

20 SEC. 18. Section 4980.399 of the Business and Professions
21 Code is amended to read:

22 4980.399. (a) Except as provided in subdivision (a) of Section
23 4980.398, each applicant and registrant shall obtain a passing score
24 on a board-administered California law and ethics examination in
25 order to qualify for licensure.

26 (b) A registrant shall participate in a board-administered
27 California law and ethics examination prior to his or her registration
28 renewal.

29 (c) Notwithstanding subdivision (b), an applicant who holds a
30 registration eligible for renewal, with an expiration date no later
31 than June 30, 2016, and who applies for renewal of that registration
32 between January 1, 2016, and June 30, 2016, shall, if eligible, be
33 allowed to renew the registration without first participating in the
34 California law and ethics examination. These applicants shall
35 participate in the California law and ethics examination in the next
36 renewal cycle, and shall pass the examination prior to licensure or
37 issuance of a subsequent registration number, as specified in this
38 section.

39 (d) If an applicant fails the California law and ethics
40 examination, he or she may retake the examination, upon payment

1 of the required fees, without further application except as provided
2 in subdivision (e).

3 (e) If a registrant fails to obtain a passing score on the California
4 law and ethics examination described in subdivision (a) within his
5 or her renewal period on or after the operative date of this section,
6 he or she shall complete, at a minimum, a 12-hour course in
7 California law and ethics in order to be eligible to participate in
8 the California law and ethics examination. Registrants shall only
9 take the 12-hour California law and ethics course once during a
10 renewal period. The 12-hour law and ethics course required by
11 this section shall be taken through a board-approved continuing
12 education provider, a county, state or governmental entity, or a
13 college or university.

14 (f) The board shall not issue a subsequent registration number
15 unless the registrant has passed the California law and ethics
16 examination.

17 (g) Notwithstanding subdivision (f), an applicant who holds or
18 has held a registration, with an expiration date no later than January
19 1, 2017, and who applies for a subsequent registration number
20 between January 1, 2016, and January 1, 2017, shall, if eligible,
21 be allowed to obtain the subsequent registration number without
22 first passing the California law and ethics examination. These
23 applicants shall pass the California law and ethics examination
24 during the next renewal period or prior to licensure, whichever
25 occurs first.

26 (h) This section shall become operative on January 1, 2016.

27 SEC. 19. Section 4980.41 of the Business and Professions
28 Code is amended to read:

29 4980.41. (a) An applicant for licensure whose education
30 qualifies him or her under Section 4980.37 shall complete the
31 following coursework or training in order to be eligible to sit for
32 the licensing examinations as specified in subdivision (d) of Section
33 4980.40:

34 (1) A two semester or three quarter unit course in California
35 law and professional ethics for marriage and family therapists,
36 which shall include, but not be limited to, the following areas of
37 study:

38 (A) Contemporary professional ethics and statutory, regulatory,
39 and decisional laws that delineate the profession's scope of
40 practice.

1 (B) The therapeutic, clinical, and practical considerations
2 involved in the legal and ethical practice of marriage and family
3 therapy, including family law.

4 (C) The current legal patterns and trends in the mental health
5 profession.

6 (D) The psychotherapist-patient privilege, confidentiality, the
7 patient dangerous to self or others, and the treatment of minors
8 with and without parental consent.

9 (E) A recognition and exploration of the relationship between
10 a practitioner's sense of self and human values and his or her
11 professional behavior and ethics.

12 This course may be considered as part of the 48 semester or 72
13 quarter unit requirements contained in Section 4980.37.

14 (2) A minimum of seven contact hours of training or coursework
15 in child abuse assessment and reporting as specified in Section 28
16 and any regulations promulgated thereunder.

17 (3) A minimum of 10 contact hours of training or coursework
18 in human sexuality as specified in Section 25, and any regulations
19 promulgated thereunder. When coursework in a master's or
20 doctor's degree program is acquired to satisfy this requirement, it
21 shall be considered as part of the 48 semester or 72 quarter unit
22 requirement contained in Section 4980.37.

23 (4) For persons who began graduate study on or after January
24 1, 1986, a master's or doctor's degree qualifying for licensure shall
25 include specific instruction in alcoholism and other chemical
26 substance dependency as specified by regulation. When coursework
27 in a master's or doctor's degree program is acquired to satisfy this
28 requirement, it shall be considered as part of the 48 semester or
29 72 quarter unit requirement contained in Section 4980.37.
30 Coursework required under this paragraph may be satisfactory if
31 taken either in fulfillment of other educational requirements for
32 licensure or in a separate course. The applicant may satisfy this
33 requirement by successfully completing this coursework from a
34 master's or doctoral degree program at an accredited or approved
35 institution, as described in subdivision (b) of Section 4980.37, or
36 from a board-accepted provider of continuing education, as
37 described in Section 4980.54.

38 (5) For persons who began graduate study during the period
39 commencing on January 1, 1995, and ending on December 31,
40 2003, a master's or doctor's degree qualifying for licensure shall

1 include coursework in spousal or partner abuse assessment,
2 detection, and intervention. For persons who began graduate study
3 on or after January 1, 2004, a master's or doctor's degree qualifying
4 for licensure shall include a minimum of 15 contact hours of
5 coursework in spousal or partner abuse assessment, detection, and
6 intervention strategies, including knowledge of community
7 resources, cultural factors, and same gender abuse dynamics.
8 Coursework required under this paragraph may be satisfactory if
9 taken either in fulfillment of other educational requirements for
10 licensure or in a separate course. The applicant may satisfy this
11 requirement by successfully completing this coursework from a
12 master's or doctoral degree program at an accredited or approved
13 institution, as described in subdivision (b) of Section 4980.37, or
14 from a board-accepted provider of continuing education, as
15 described in Section 4980.54.

16 (6) For persons who began graduate study on or after January
17 1, 2001, an applicant shall complete a minimum of a two semester
18 or three quarter unit survey course in psychological testing. When
19 coursework in a master's or doctor's degree program is acquired
20 to satisfy this requirement, it may be considered as part of the 48
21 semester or 72 quarter unit requirement of Section 4980.37.

22 (7) For persons who began graduate study on or after January
23 1, 2001, an applicant shall complete a minimum of a two semester
24 or three quarter unit survey course in psychopharmacology. When
25 coursework in a master's or doctor's degree program is acquired
26 to satisfy this requirement, it may be considered as part of the 48
27 semester or 72 quarter unit requirement of Section 4980.37.

28 (8) The requirements added by paragraphs (6) and (7) are
29 intended to improve the educational qualifications for licensure in
30 order to better prepare future licentiates for practice and are not
31 intended in any way to expand or restrict the scope of practice for
32 licensed marriage and family therapists.

33 (b) This section shall remain in effect only until January 1, 2019,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2019, deletes or extends that date.

36 SEC. 20. Section 4980.43 of the Business and Professions
37 Code is amended to read:

38 4980.43. (a) Prior to applying for licensure examinations, each
39 applicant shall complete experience that shall comply with the
40 following:

1 (1) A minimum of 3,000 hours completed during a period of at
2 least 104 weeks.

3 (2) Not more than 40 hours in any seven consecutive days.

4 (3) Not less than 1,700 hours of supervised experience
5 completed subsequent to the granting of the qualifying master's
6 or doctoral degree.

7 (4) (A) Not more than 1,300 hours of supervised experience
8 obtained prior to completing a master's or doctoral degree.

9 (B) The applicant shall not be credited with more than 750 hours
10 of counseling and direct supervisor contact prior to completing
11 the master's or doctoral degree.

12 (5) No hours of experience may be gained prior to completing
13 either 12 semester units or 18 quarter units of graduate instruction
14 and becoming a trainee except for personal psychotherapy.

15 (6) No hours of experience may be gained more than six years
16 prior to the date the application for examination eligibility was
17 filed, except that up to 500 hours of clinical experience gained in
18 the supervised practicum required by subdivision (c) of Section
19 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)
20 of Section 4980.36 shall be exempt from this six-year requirement.

21 (7) Not more than a combined total of 1,000 hours of experience
22 in the following:

23 (A) Direct supervisor contact.

24 (B) Professional enrichment activities. For purposes of this
25 chapter, "professional enrichment activities" include the following:

26 (i) Workshops, seminars, training sessions, or conferences
27 directly related to marriage and family therapy attended by the
28 applicant that are approved by the applicant's supervisor. An
29 applicant shall have no more than 250 hours of verified attendance
30 at these workshops, seminars, training sessions, or conferences.

31 (ii) Participation by the applicant in personal psychotherapy,
32 which includes group, marital or conjoint, family, or individual
33 psychotherapy by an appropriately licensed professional. An
34 applicant shall have no more than 100 hours of participation in
35 personal psychotherapy. The applicant shall be credited with three
36 hours of experience for each hour of personal psychotherapy.

37 (8) Not more than 500 hours of experience providing group
38 therapy or group counseling.

39 (9) For all hours gained on or after January 1, 2012, not more
40 than 500 hours of experience in the following:

1 (A) Experience administering and evaluating psychological
2 tests, writing clinical reports, writing progress notes, or writing
3 process notes.

4 (B) Client centered advocacy.

5 (10) Not less than 500 total hours of experience in diagnosing
6 and treating couples, families, and children. For up to 150 hours
7 of treating couples and families in conjoint therapy, the applicant
8 shall be credited with two hours of experience for each hour of
9 therapy provided.

10 (11) Not more than 375 hours of experience providing personal
11 psychotherapy, crisis counseling, or other counseling services via
12 telehealth in accordance with Section 2290.5.

13 (12) It is anticipated and encouraged that hours of experience
14 will include working with elders and dependent adults who have
15 physical or mental limitations that restrict their ability to carry out
16 normal activities or protect their rights.

17 This subdivision shall only apply to hours gained on and after
18 January 1, 2010.

19 (b) All applicants, trainees, and registrants shall be at all times
20 under the supervision of a supervisor who shall be responsible for
21 ensuring that the extent, kind, and quality of counseling performed
22 is consistent with the training and experience of the person being
23 supervised, and who shall be responsible to the board for
24 compliance with all laws, rules, and regulations governing the
25 practice of marriage and family therapy. Supervised experience
26 shall be gained by interns and trainees only as an employee or as
27 a volunteer. The requirements of this chapter regarding gaining
28 hours of experience and supervision are applicable equally to
29 employees and volunteers. Experience shall not be gained by
30 interns or trainees as an independent contractor.

31 (1) If employed, an intern shall provide the board with copies
32 of the corresponding W-2 tax forms for each year of experience
33 claimed upon application for licensure.

34 (2) If volunteering, an intern shall provide the board with a letter
35 from his or her employer verifying the intern's employment as a
36 volunteer upon application for licensure.

37 (c) Except for experience gained pursuant to subparagraph (B)
38 of paragraph (7) of subdivision (a), supervision shall include at
39 least one hour of direct supervisor contact in each week for which
40 experience is credited in each work setting, as specified:

1 (1) A trainee shall receive an average of at least one hour of
2 direct supervisor contact for every five hours of client contact in
3 each setting.

4 (2) An individual supervised after being granted a qualifying
5 degree shall receive at least one additional hour of direct supervisor
6 contact for every week in which more than 10 hours of client
7 contact is gained in each setting. No more than five hours of
8 supervision, whether individual or group, shall be credited during
9 any single week.

10 (3) For purposes of this section, “one hour of direct supervisor
11 contact” means one hour per week of face-to-face contact on an
12 individual basis or two hours per week of face-to-face contact in
13 a group.

14 (4) Direct supervisor contact shall occur within the same week
15 as the hours claimed.

16 (5) Direct supervisor contact provided in a group shall be
17 provided in a group of not more than eight supervisees and in
18 segments lasting no less than one continuous hour.

19 (6) Notwithstanding paragraph (3), an intern working in a
20 governmental entity, a school, a college, or a university, or an
21 institution that is both nonprofit and charitable may obtain the
22 required weekly direct supervisor contact via two-way, real-time
23 videoconferencing. The supervisor shall be responsible for ensuring
24 that client confidentiality is upheld.

25 (7) All experience gained by a trainee shall be monitored by the
26 supervisor as specified by regulation.

27 (d) (1) A trainee may be credited with supervised experience
28 completed in any setting that meets all of the following:

29 (A) Lawfully and regularly provides mental health counseling
30 or psychotherapy.

31 (B) Provides oversight to ensure that the trainee’s work at the
32 setting meets the experience and supervision requirements set forth
33 in this chapter and is within the scope of practice for the profession
34 as defined in Section 4980.02.

35 (C) Is not a private practice owned by a licensed marriage and
36 family therapist, a licensed professional clinical counselor, a
37 licensed psychologist, a licensed clinical social worker, a licensed
38 physician and surgeon, or a professional corporation of any of
39 those licensed professions.

1 (2) Experience may be gained by the trainee solely as part of
2 the position for which the trainee volunteers or is employed.

3 (e) (1) An intern may be credited with supervised experience
4 completed in any setting that meets both of the following:

5 (A) Lawfully and regularly provides mental health counseling
6 or psychotherapy.

7 (B) Provides oversight to ensure that the intern's work at the
8 setting meets the experience and supervision requirements set forth
9 in this chapter and is within the scope of practice for the profession
10 as defined in Section 4980.02.

11 (2) An applicant shall not be employed or volunteer in a private
12 practice, as defined in subparagraph (C) of paragraph (1) of
13 subdivision (d), until registered as an intern.

14 (3) While an intern may be either a paid employee or a
15 volunteer, employers are encouraged to provide fair remuneration
16 to interns.

17 (4) Except for periods of time during a supervisor's vacation or
18 sick leave, an intern who is employed or volunteering in private
19 practice shall be under the direct supervision of a licensee that has
20 satisfied the requirements of subdivision (g) of Section 4980.03.
21 The supervising licensee shall either be employed by and practice
22 at the same site as the intern's employer, or shall be an owner or
23 shareholder of the private practice. Alternative supervision may
24 be arranged during a supervisor's vacation or sick leave if the
25 supervision meets the requirements of this section.

26 (5) Experience may be gained by the intern solely as part of the
27 position for which the intern volunteers or is employed.

28 (f) Except as provided in subdivision (g), all persons shall
29 register with the board as an intern in order to be credited for
30 postdegree hours of supervised experience gained toward licensure.

31 (g) Except when employed in a private practice setting, all
32 postdegree hours of experience shall be credited toward licensure
33 so long as the applicant applies for the intern registration within
34 90 days of the granting of the qualifying master's or doctoral
35 degree and is thereafter granted the intern registration by the board.

36 (h) Trainees, interns, and applicants shall not receive any
37 remuneration from patients or clients, and shall only be paid by
38 their employers.

39 (i) Trainees, interns, and applicants shall only perform services
40 at the place where their employers regularly conduct business,

1 which may include performing services at other locations, so long
2 as the services are performed under the direction and control of
3 their employer and supervisor, and in compliance with the laws
4 and regulations pertaining to supervision. Trainees and interns
5 shall have no proprietary interest in their employers' businesses
6 and shall not lease or rent space, pay for furnishings, equipment,
7 or supplies, or in any other way pay for the obligations of their
8 employers.

9 (j) Trainees, interns, or applicants who provide volunteered
10 services or other services, and who receive no more than a total,
11 from all work settings, of five hundred dollars (\$500) per month
12 as reimbursement for expenses actually incurred by those trainees,
13 interns, or applicants for services rendered in any lawful work
14 setting other than a private practice shall be considered an
15 employee and not an independent contractor. The board may audit
16 applicants who receive reimbursement for expenses, and the
17 applicants shall have the burden of demonstrating that the payments
18 received were for reimbursement of expenses actually incurred.

19 (k) Each educational institution preparing applicants for
20 licensure pursuant to this chapter shall consider requiring, and
21 shall encourage, its students to undergo individual, marital or
22 conjoint, family, or group counseling or psychotherapy, as
23 appropriate. Each supervisor shall consider, advise, and encourage
24 his or her interns and trainees regarding the advisability of
25 undertaking individual, marital or conjoint, family, or group
26 counseling or psychotherapy, as appropriate. Insofar as it is deemed
27 appropriate and is desired by the applicant, the educational
28 institution and supervisors are encouraged to assist the applicant
29 in locating that counseling or psychotherapy at a reasonable cost.

30 SEC. 21. Section 4980.55 of the Business and Professions
31 Code is amended to read:

32 4980.55. As a model for all therapeutic professions, and to
33 acknowledge respect and regard for the consuming public, all
34 licensed marriage and family therapists are encouraged to provide
35 to each client, at an appropriate time and within the context of the
36 psychotherapeutic relationship, an accurate and informative
37 statement of the therapist's experience, education, specialties,
38 professional orientation, and any other information deemed
39 appropriate by the licensee.

SEC. 22. Section 4980.72 of the Business and Professions Code is amended to read:

4980.72. (a) This section applies to persons who are licensed outside of California and apply for licensure on or after January 1, 2016.

(b) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license in good standing issued by a board of marriage counselor examiners, board of marriage and family therapists, or corresponding authority, of any state or country, if all of the following conditions are satisfied:

(1) The applicant's education is substantially equivalent, as defined in Section 4980.78. The applicant's degree title need not be identical to that required by Section 4980.36 or 4980.37.

(2) The applicant complies with Section 4980.76, if applicable.

(3) The applicant's supervised experience is substantially equivalent to that required for a license under this chapter. The board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above.

(4) The applicant passes the California law and ethics examination.

(5) The applicant passes a clinical examination designated by the board. An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination if both of the following conditions are met:

(A) The applicant obtained a passing score on the licensing examination set forth in regulation as accepted by the board.

(B) The applicant's license or registration in that jurisdiction is in good standing at the time of his or her application and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

SEC. 22.5. Section 4980.72 of the Business and Professions Code is amended to read:

4980.72. (a) This section applies to persons who are licensed outside of California and apply for licensure on or after January 1, 2016.

(b) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter,

1 holds a valid license in good standing issued by a board of marriage
2 counselor examiners, board of marriage and family therapists, or
3 corresponding authority, of any state or country, if all of the
4 following conditions are satisfied:

5 (1) The applicant's education is substantially equivalent, as
6 defined in Section ~~4980.78~~ 4980.79. The applicant's degree title
7 need not be identical to that required by Section 4980.36 or
8 4980.37.

9 (2) The applicant complies with Section 4980.76, if applicable.

10 (3) The applicant's supervised experience is substantially
11 equivalent to that required for a license under this chapter. The
12 board shall consider hours of experience obtained outside of
13 California during the six-year period immediately preceding the
14 date the applicant initially obtained the license described above.
15 *If the applicant has less than 3,000 hours of qualifying supervised*
16 *experience, time actively licensed as a marriage and family*
17 *therapist shall be accepted at a rate of 100 hours per month, up*
18 *to a maximum of 1,200 hours, if the applicant's degree meets the*
19 *practicum requirement described in subparagraph (C) of*
20 *paragraph (1) of subdivision (b) of Section 4980.79 without*
21 *exemptions or remediation.*

22 (4) The applicant passes the California law and ethics
23 examination.

24 (5) The applicant passes a clinical examination designated by
25 the board. An applicant who obtained his or her license or
26 registration under another jurisdiction may apply for licensure with
27 the board without taking the clinical examination if both of the
28 following conditions are met:

29 (A) The applicant obtained a passing score on the licensing
30 examination set forth in regulation as accepted by the board.

31 (B) The applicant's license or registration in that jurisdiction is
32 in good standing at the time of his or her application and ~~has is~~
33 ~~not been~~ revoked, suspended, surrendered, denied, or otherwise
34 restricted or ~~encumbered as a result of any disciplinary proceeding~~
35 ~~brought by the licensing authority of that jurisdiction.~~ *encumbered.*

36 SEC. 23. Section 4980.78 of the Business and Professions
37 Code is amended to read:

38 4980.78. (a) This section applies to persons who apply for
39 licensure or registration on or after January 1, 2016.

(b) For purposes of Sections 4980.72 and 4980.74, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from a school, college, or university accredited by an accrediting agency that is recognized by the United States Department of Education and consists of, at a minimum, 48 semester or 72 quarter units, including, but not limited to, both of the following:

(A) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 150 hours of face-to-face counseling.

(B) Twelve semester or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment, as specified in subparagraph (A) of paragraph (1) of subdivision (d) of Section 4980.36.

(2) The applicant completes any units and course content requirements under subdivision (d) of Section 4980.36 not already completed in his or her education.

(3) The applicant completes credit level coursework from a degree-granting institution that provides all of the following:

(A) Instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery model practice environments.

(B) An understanding of various California cultures and the social and psychological implications of socioeconomic position.

(C) Structured meeting with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(D) Instruction in addiction and co-occurring substance abuse and mental health disorders, as specified in subparagraph (I) of paragraph (2) of subdivision (d) of Section 4980.36.

(4) The applicant completes an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance

1 reimbursement, civil liability, disciplinary actions and
2 unprofessional conduct, ethics complaints and ethical standards,
3 termination of therapy, standards of care, relevant family law,
4 therapist disclosures to patients, differences in legal and ethical
5 standards in different types of work settings, and licensing law
6 and licensing process.

7 (5) The applicant's degree title need not be identical to that
8 required by subdivision (b) of Section 4980.36.

9 *SEC. 23.5. Section 4980.78 of the Business and Professions*
10 *Code is amended to read:*

11 4980.78. (a) This section applies to persons who apply for
12 licensure or registration on or after January 1, ~~2016~~ 2016, and who
13 do not hold a license as described in Section 4980.72.

14 (b) For purposes of ~~Sections 4980.72 and~~ Section 4980.74,
15 education is substantially equivalent if all of the following
16 requirements are met:

17 (1) The degree is obtained from a school, college, or university
18 accredited by an accrediting agency *that is* recognized by the
19 United States Department of Education and consists of, at a
20 minimum, ~~48 semester or 72 quarter units, including, but not~~
21 ~~limited to, both of the following:~~

22 (A) (i) *For an applicant who obtained his or her degree within*
23 *the timeline prescribed by subdivision (a) of Section 4980.36, the*
24 *degree shall contain no less than 60 semester or 90 quarter units*
25 *of instruction.*

26 (ii) *Up to 12 semester or 18 quarter units of instruction may be*
27 *remediated, if missing from the degree. The remediation may occur*
28 *while the applicant is registered as an intern.*

29 (B) *For an applicant who obtained his or her degree within the*
30 *timeline prescribed by subdivision (a) of Section 4980.37, the*
31 *degree shall contain no less than 48 semester units or 72 quarter*
32 *units of instruction.*

33 ~~(A)~~

34 (C) Six semester or nine quarter units of practicum, including,
35 but not limited to, a minimum of 150 hours of face-to-face
36 ~~counseling~~ counseling, and an additional 75 hours of either
37 face-to-face counseling or client-centered advocacy, or a
38 combination of face-to-face counseling and client-centered
39 advocacy.

40 ~~(B)~~

1 (D) Twelve semester or 18 quarter units in the areas of marriage,
2 family, and child counseling and marital and family systems
3 approaches to treatment, as specified in subparagraph (A) of
4 paragraph (1) of subdivision (d) of Section 4980.36.

5 (2) The applicant ~~completes any units and course content~~
6 ~~requirements under subdivision (d) of Section 4980.36 not already~~
7 ~~completed in his or her education.~~ *shall complete coursework in*
8 *California law and ethics as follows:*

9 (3) ~~The applicant completes credit level coursework from a~~
10 ~~degree-granting institution that provides all of the following:~~

11 (A) ~~Instruction regarding the principles of mental health~~
12 ~~recovery-oriented care and methods of service delivery in recovery~~
13 ~~model practice environments.~~

14 (B) ~~An understanding of various California cultures and the~~
15 ~~social and psychological implications of socioeconomic position.~~

16 (C) ~~Structured meeting with various consumers and family~~
17 ~~members of consumers of mental health services to enhance~~
18 ~~understanding of their experience of mental illness, treatment, and~~
19 ~~recovery.~~

20 (D) ~~Instruction in addiction and co-occurring substance abuse~~
21 ~~and mental health disorders, as specified in subparagraph (I) of~~
22 ~~paragraph (2) of subdivision (d) of Section 4980.36.~~

23 (4) ~~The applicant completes~~

24 (A) *An applicant who completed a course in law and*
25 *professional ethics for marriage and family therapists as specified*
26 *in paragraph (7) of subdivision (a) of Section 4980.81, that did*
27 *not contain instruction in California law and ethics, shall complete*
28 *an 18-hour course in California law and professional ethics. The*
29 *content of the course shall include, but not be limited to,*
30 *advertising, scope of practice, scope of competence, treatment of*
31 *minors, confidentiality, dangerous patients, psychotherapist-patient*
32 *privilege, recordkeeping, patient access to records, state and federal*
33 *laws relating to confidentiality of patient health information, dual*
34 *relationships, child abuse, elder and dependent adult abuse, online*
35 *therapy, insurance reimbursement, civil liability, disciplinary*
36 *actions and unprofessional conduct, ethics complaints and ethical*
37 *standards, termination of therapy, standards of care, relevant family*
38 *law, therapist disclosures to patients, differences in legal and ethical*
39 *standards in different types of work settings, and licensing law*

1 and licensing process. *This coursework shall be completed prior*
2 *to registration as an intern.*

3 (B) *An applicant who has not completed a course in law and*
4 *professional ethics for marriage and family therapists as specified*
5 *in paragraph (7) of subdivision (a) of Section 4980.81 shall*
6 *complete this required coursework. The coursework shall contain*
7 *content specific to California law and ethics. This coursework*
8 *shall be completed prior to registration as an intern.*

9 (3) *The applicant completes the educational requirements*
10 *specified in Section 4980.81 not already completed in his or her*
11 *education. The coursework may be from an accredited school,*
12 *college, or university as specified in paragraph (1), from an*
13 *educational institution approved by the Bureau for Private*
14 *Postsecondary Education, or from a continuing education provider*
15 *that is acceptable to the board as defined in Section 4980.54.*
16 *Undergraduate courses shall not satisfy this requirement.*

17 (4) *The applicant completes the following coursework not*
18 *already completed in his or her education from an accredited*
19 *school, college, or university as specified in paragraph (1) from*
20 *an educational institution approved by the Bureau for Private*
21 *Postsecondary Education, or from a continuing education provider*
22 *that is acceptable to the board as defined in Section 4980.54.*
23 *Undergraduate courses shall not satisfy this requirement.*

24 (A) *At least three semester units, or 45 hours, of instruction*
25 *regarding the principles of mental health recovery-oriented care*
26 *and methods of service delivery in recovery-oriented practice*
27 *environments, including structured meetings with various*
28 *consumers and family members of consumers of mental health*
29 *services to enhance understanding of their experience of mental*
30 *illness, treatment, and recovery.*

31 (B) *At least one semester unit, or 15 hours, of instruction that*
32 *includes an understanding of various California cultures and the*
33 *social and psychological implications of socioeconomic position.*

34 (5) *An applicant may complete any units and course content*
35 *requirements required under paragraphs (3) and (4) not already*
36 *completed in his or her education while registered as an intern,*
37 *unless otherwise specified.*

38 ~~(5)~~

39 (6) *The applicant's degree title need not be identical to that*
40 *required by subdivision (b) of Section 4980.36.*

1 SEC. 24. Section 4987.5 of the Business and Professions Code
2 is amended to read:

3 4987.5. A marriage and family therapy corporation is a
4 corporation that is authorized to render professional services, as
5 defined in Section 13401 of the Corporations Code, so long as that
6 corporation and its shareholders, officers, directors, and employees
7 rendering professional services who are licensed marriage and
8 family therapists, physicians and surgeons, psychologists, licensed
9 professional clinical counselors, licensed clinical social workers,
10 registered nurses, chiropractors, or acupuncturists are in compliance
11 with the Moscone-Knox Professional Corporation Act (Part 4
12 (commencing with Section 13400) of Division 3 of Title 1 of the
13 Corporations Code), this article, and any other statute or regulation
14 pertaining to that corporation and the conduct of its affairs. With
15 respect to a marriage and family therapy corporation, the
16 governmental agency referred to in the Moscone-Knox Professional
17 Corporation Act is the Board of Behavioral Sciences.

18 SEC. 25. Section 4989.16 of the Business and Professions
19 Code is amended to read:

20 4989.16. (a) A person appropriately credentialed by the
21 Commission on Teacher Credentialing may perform the functions
22 authorized by that credential in a public school without a license
23 issued under this chapter by the board.

24 (b) Nothing in this chapter shall be construed to constrict, limit,
25 or withdraw the Medical Practice Act (Chapter 5 (commencing
26 with Section 2000)), the Nursing Practice Act (Chapter 6
27 (commencing with Section 2700)), the Psychology Licensing Law
28 (Chapter 6.6 (commencing with Section 2900)), the Licensed
29 Marriage and Family Therapist Practice Act (Chapter 13
30 (commencing with Section 4980)), the Clinical Social Worker
31 Practice Act (Chapter 14 (commencing with Section 4991)), or
32 the Licensed Professional Clinical Counselor Act (Chapter 16
33 (commencing with Section 4999.10)).

34 SEC. 26. Section 4989.22 of the Business and Professions
35 Code is amended to read:

36 4989.22. (a) Only persons who satisfy the requirements of
37 Section 4989.20 are eligible to take the licensure examination.

38 (b) An applicant who fails the written examination may, within
39 one year from the notification date of failure, retake the
40 examination as regularly scheduled without further application.

1 Thereafter, the applicant shall not be eligible for further
2 examination until he or she files a new application, meets all
3 current requirements, and pays all fees required.

4 (c) Notwithstanding any other provision of law, the board may
5 destroy all examination materials two years after the date of an
6 examination.

7 (d) The board shall not deny any applicant, whose application
8 for licensure is complete, admission to the written examination,
9 nor shall the board postpone or delay any applicant's written
10 examination or delay informing the candidate of the results of the
11 written examination, solely upon the receipt by the board of a
12 complaint alleging acts or conduct that would constitute grounds
13 to deny licensure.

14 (e) Notwithstanding Section 135, the board may deny any
15 applicant who has previously failed the written examination
16 permission to retake the examination pending completion of the
17 investigation of any complaint against the applicant. Nothing in
18 this section shall prohibit the board from denying an applicant
19 admission to any examination, withholding the results, or refusing
20 to issue a license to any applicant when an accusation or statement
21 of issues has been filed against the applicant pursuant to Section
22 11503 or 11504 of the Government Code, or the applicant has been
23 denied in accordance with subdivision (b) of Section 485.

24 SEC. 27. Section 4992.09 of the Business and Professions
25 Code is amended to read:

26 4992.09. (a) Except as provided in subdivision (a) of Section
27 4992.07, an applicant and registrant shall obtain a passing score
28 on a board-administered California law and ethics examination in
29 order to qualify for licensure.

30 (b) A registrant shall participate in a board-administered
31 California law and ethics examination prior to his or her registration
32 renewal.

33 (c) Notwithstanding subdivision (b), an applicant who holds a
34 registration eligible for renewal, with an expiration date no later
35 than June 30, 2016, and who applies for renewal of that registration
36 between January 1, 2016, and June 30, 2016, shall, if eligible, be
37 allowed to renew the registration without first participating in the
38 California law and ethics examination. These applicants shall
39 participate in the California law and ethics examination in the next
40 renewal cycle, and shall pass the examination prior to licensure or

1 issuance of a subsequent registration number, as specified in this
2 section.

3 (d) If an applicant fails the California law and ethics
4 examination, he or she may retake the examination, upon payment
5 of the required fees, without further application except for as
6 provided in subdivision (e).

7 (e) If a registrant fails to obtain a passing score on the California
8 law and ethics examination described in subdivision (a) within his
9 or her renewal period on or after the operative date of this section,
10 he or she shall complete, at a minimum, a 12-hour course in
11 California law and ethics in order to be eligible to participate in
12 the California law and ethics examination. Registrants shall only
13 take the 12-hour California law and ethics course once during a
14 renewal period. The 12-hour law and ethics course required by
15 this section shall be taken through a board-approved continuing
16 education provider, a county, state or governmental entity, or a
17 college or university.

18 (f) The board shall not issue a subsequent registration number
19 unless the registrant has passed the California law and ethics
20 examination.

21 (g) Notwithstanding subdivision (f), an applicant who holds or
22 has held a registration, with an expiration date no later than January
23 1, 2017, and who applies for a subsequent registration number
24 between January 1, 2016, and January 1, 2017, shall, if eligible,
25 be allowed to obtain the subsequent registration number without
26 first passing the California law and ethics examination. These
27 applicants shall pass the California law and ethics examination
28 during the next renewal period or prior to licensure, whichever
29 occurs first.

30 (h) This section shall become operative on January 1, 2016.

31 SEC. 28. Section 4996.17 of the Business and Professions
32 Code is amended to read:

33 4996.17. (a) (1) Experience gained outside of California shall
34 be accepted toward the licensure requirements if it is substantially
35 the equivalent of the requirements of this chapter.

36 (2) Commencing January 1, 2014, an applicant with education
37 gained outside of California shall complete an 18-hour course in
38 California law and professional ethics. The content of the course
39 shall include, but not be limited to, the following: advertising,
40 scope of practice, scope of competence, treatment of minors,

1 confidentiality, dangerous patients, psychotherapist-patient
2 privilege, recordkeeping, patient access to records, state and federal
3 laws related to confidentiality of patient health information, dual
4 relationships, child abuse, elder and dependent adult abuse, online
5 therapy, insurance reimbursement, civil liability, disciplinary
6 actions and unprofessional conduct, ethics complaints and ethical
7 standards, termination of therapy, standards of care, relevant family
8 law, therapist disclosures to patients, differences in legal and ethical
9 standards in different types of work settings, and licensing law
10 and process.

11 (b) The board may issue a license to any person who, at the time
12 of application, holds a valid active clinical social work license
13 issued by a board of clinical social work examiners or
14 corresponding authority of any state, if the person passes, or has
15 passed, the licensing examinations as specified in Section 4996.1
16 and pays the required fees. Issuance of the license is conditioned
17 upon all of the following:

18 (1) The applicant has supervised experience that is substantially
19 the equivalent of that required by this chapter. If the applicant has
20 less than 3,200 hours of qualifying supervised experience, time
21 actively licensed as a clinical social worker shall be accepted at a
22 rate of 100 hours per month up to a maximum of 1,200 hours.

23 (2) Completion of the following coursework or training in or
24 out of this state:

25 (A) A minimum of seven contact hours of training or coursework
26 in child abuse assessment and reporting as specified in Section 28,
27 and any regulations promulgated thereunder.

28 (B) A minimum of 10 contact hours of training or coursework
29 in human sexuality as specified in Section 25, and any regulations
30 promulgated thereunder.

31 (C) A minimum of 15 contact hours of training or coursework
32 in alcoholism and other chemical substance dependency, as
33 specified by regulation.

34 (D) A minimum of 15 contact hours of coursework or training
35 in spousal or partner abuse assessment, detection, and intervention
36 strategies.

37 (3) Commencing January 1, 2014, completion of an 18-hour
38 course in California law and professional ethics. The content of
39 the course shall include, but not be limited to, the following:
40 advertising, scope of practice, scope of competence, treatment of

1 minors, confidentiality, dangerous patients, psychotherapist-patient
2 privilege, recordkeeping, patient access to records, state and federal
3 laws related to confidentiality of patient health information, dual
4 relationships, child abuse, elder and dependent adult abuse, online
5 therapy, insurance reimbursement, civil liability, disciplinary
6 actions and unprofessional conduct, ethics complaints and ethical
7 standards, termination of therapy, standards of care, relevant family
8 law, therapist disclosures to patients, differences in legal and ethical
9 standards in different types of work settings, and licensing law
10 and process.

11 (4) The applicant's license is not suspended, revoked, restricted,
12 sanctioned, or voluntarily surrendered in any state.

13 (5) The applicant is not currently under investigation in any
14 other state, and has not been charged with an offense for any act
15 substantially related to the practice of social work by any public
16 agency, entered into any consent agreement or been subject to an
17 administrative decision that contains conditions placed by an
18 agency upon an applicant's professional conduct or practice,
19 including any voluntary surrender of license, or been the subject
20 of an adverse judgment resulting from the practice of social work
21 that the board determines constitutes evidence of a pattern of
22 incompetence or negligence.

23 (6) The applicant shall provide a certification from each state
24 where he or she holds a license pertaining to licensure, disciplinary
25 action, and complaints pending.

26 (7) The applicant is not subject to denial of licensure under
27 Section 480, 4992.3, 4992.35, or 4992.36.

28 (c) The board may issue a license to any person who, at the time
29 of application, holds a valid, active clinical social work license
30 issued by a board of clinical social work examiners or a
31 corresponding authority of any state, if the person has held that
32 license for at least four years immediately preceding the date of
33 application, the person passes, or has passed, the licensing
34 examinations as specified in Section 4996.1, and the person pays
35 the required fees. Issuance of the license is conditioned upon all
36 of the following:

37 (1) Completion of the following coursework or training in or
38 out of state:

1 (A) A minimum of seven contact hours of training or coursework
2 in child abuse assessment and reporting as specified in Section 28,
3 and any regulations promulgated thereunder.

4 (B) A minimum of 10 contact hours of training or coursework
5 in human sexuality as specified in Section 25, and any regulations
6 promulgated thereunder.

7 (C) A minimum of 15 contact hours of training or coursework
8 in alcoholism and other chemical substance dependency, as
9 specified by regulation.

10 (D) A minimum of 15 contact hours of coursework or training
11 in spousal or partner abuse assessment, detection, and intervention
12 strategies.

13 (2) Commencing January 1, 2014, completion of an 18-hour
14 course in California law and professional ethics. The content of
15 the course shall include, but not be limited to, the following:
16 advertising, scope of practice, scope of competence, treatment of
17 minors, confidentiality, dangerous patients, psychotherapist-patient
18 privilege, recordkeeping, patient access to records, state and federal
19 laws related to confidentiality of patient health information, dual
20 relationships, child abuse, elder and dependent adult abuse, online
21 therapy, insurance reimbursement, civil liability, disciplinary
22 actions and unprofessional conduct, ethics complaints and ethical
23 standards, termination of therapy, standards of care, relevant family
24 law, therapist disclosures to patients, differences in legal and ethical
25 standards in different types of work settings, and licensing law
26 and process.

27 (3) The applicant has been licensed as a clinical social worker
28 continuously for a minimum of four years prior to the date of
29 application.

30 (4) The applicant's license is not suspended, revoked, restricted,
31 sanctioned, or voluntarily surrendered in any state.

32 (5) The applicant is not currently under investigation in any
33 other state, and has not been charged with an offense for any act
34 substantially related to the practice of social work by any public
35 agency, entered into any consent agreement or been subject to an
36 administrative decision that contains conditions placed by an
37 agency upon an applicant's professional conduct or practice,
38 including any voluntary surrender of license, or been the subject
39 of an adverse judgment resulting from the practice of social work

1 that the board determines constitutes evidence of a pattern of
2 incompetence or negligence.

3 (6) The applicant provides a certification from each state where
4 he or she holds a license pertaining to licensure, disciplinary action,
5 and complaints pending.

6 (7) The applicant is not subject to denial of licensure under
7 Section 480, 4992.3, 4992.35, or 4992.36.

8 (d) Commencing January 1, 2016, an applicant who obtained
9 his or her license or registration under another jurisdiction may
10 apply for licensure with the board without taking the clinical
11 examination specified in Section 4996.1 if the applicant obtained
12 a passing score on the licensing examination set forth in regulation
13 as accepted by the board.

14 SEC. 29. Section 4996.23 of the Business and Professions
15 Code is amended to read:

16 4996.23. The experience required by subdivision (c) of Section
17 4996.2 shall meet the following criteria:

18 (a) All persons registered with the board on and after January
19 1, 2002, shall have at least 3,200 hours of post-master's degree
20 supervised experience providing clinical social work services as
21 permitted by Section 4996.9. At least 1,700 hours shall be gained
22 under the supervision of a licensed clinical social worker. The
23 remaining required supervised experience may be gained under
24 the supervision of a licensed mental health professional acceptable
25 to the board as defined by a regulation adopted by the board. This
26 experience shall consist of the following:

27 (1) A minimum of 2,000 hours in clinical psychosocial
28 diagnosis, assessment, and treatment, including psychotherapy or
29 counseling.

30 (2) A maximum of 1,200 hours in client-centered advocacy,
31 consultation, evaluation, and research.

32 (3) Of the 2,000 clinical hours required in paragraph (1), no less
33 than 750 hours shall be face-to-face individual or group
34 psychotherapy provided to clients in the context of clinical social
35 work services.

36 (4) A minimum of two years of supervised experience is required
37 to be obtained over a period of not less than 104 weeks and shall
38 have been gained within the six years immediately preceding the
39 date on which the application for licensure was filed.

1 (5) Experience shall not be credited for more than 40 hours in
2 any week.

3 (b) “Supervision” means responsibility for, and control of, the
4 quality of clinical social work services being provided.
5 Consultation or peer discussion shall not be considered to be
6 supervision.

7 (c) (1) Prior to the commencement of supervision, a supervisor
8 shall comply with all requirements enumerated in Section 1870 of
9 Title 16 of the California Code of Regulations and shall sign under
10 penalty of perjury the “Responsibility Statement for Supervisors
11 of an Associate Clinical Social Worker” form.

12 (2) Supervised experience shall include at least one hour of
13 direct supervisor contact for a minimum of 104 weeks. For
14 purposes of this subdivision, “one hour of direct supervisor contact”
15 means one hour per week of face-to-face contact on an individual
16 basis or two hours of face-to-face contact in a group conducted
17 within the same week as the hours claimed.

18 (3) An associate shall receive at least one additional hour of
19 direct supervisor contact for every week in which more than 10
20 hours of face-to-face psychotherapy is performed in each setting
21 in which experience is gained. No more than five hours of
22 supervision, whether individual or group, shall be credited during
23 any single week.

24 (4) Group supervision shall be provided in a group of not more
25 than eight supervisees and shall be provided in segments lasting
26 no less than one continuous hour.

27 (5) Of the 104 weeks of required supervision, 52 weeks shall
28 be individual supervision, and of the 52 weeks of required
29 individual supervision, not less than 13 weeks shall be supervised
30 by a licensed clinical social worker.

31 (6) Notwithstanding paragraph (2), an associate clinical social
32 worker working for a governmental entity, school, college, or
33 university, or an institution that is both a nonprofit and charitable
34 institution, may obtain the required weekly direct supervisor
35 contact via live two-way videoconferencing. The supervisor shall
36 be responsible for ensuring that client confidentiality is preserved.

37 (d) The supervisor and the associate shall develop a supervisory
38 plan that describes the goals and objectives of supervision. These
39 goals shall include the ongoing assessment of strengths and
40 limitations and the assurance of practice in accordance with the

1 laws and regulations. The associate shall submit to the board the
2 initial original supervisory plan upon application for licensure.

3 (e) Experience shall only be gained in a setting that meets both
4 of the following:

5 (1) Lawfully and regularly provides clinical social work, mental
6 health counseling, or psychotherapy.

7 (2) Provides oversight to ensure that the associate's work at the
8 setting meets the experience and supervision requirements set forth
9 in this chapter and is within the scope of practice for the profession
10 as defined in Section 4996.9.

11 (f) Experience shall not be gained until the applicant has been
12 registered as an associate clinical social worker.

13 (g) Employment in a private practice as defined in subdivision
14 (h) shall not commence until the applicant has been registered as
15 an associate clinical social worker.

16 (h) A private practice setting is a setting that is owned by a
17 licensed clinical social worker, a licensed marriage and family
18 therapist, a licensed psychologist, a licensed professional clinical
19 counselor, a licensed physician and surgeon, or a professional
20 corporation of any of those licensed professions.

21 (i) If volunteering, the associate shall provide the board with a
22 letter from his or her employer verifying his or her voluntary status
23 upon application for licensure.

24 (j) If employed, the associate shall provide the board with copies
25 of his or her W-2 tax forms for each year of experience claimed
26 upon application for licensure.

27 (k) While an associate may be either a paid employee or
28 volunteer, employers are encouraged to provide fair remuneration
29 to associates.

30 (l) An associate shall not do the following:

31 (1) Receive any remuneration from patients or clients and shall
32 only be paid by his or her employer.

33 (2) Have any proprietary interest in the employer's business.

34 (3) Lease or rent space, pay for furnishings, equipment, or
35 supplies, or in any other way pay for the obligations of his or her
36 employer.

37 (m) An associate, whether employed or volunteering, may obtain
38 supervision from a person not employed by the associate's
39 employer if that person has signed a written agreement with the

1 employer to take supervisory responsibility for the associate's
2 social work services.

3 (n) Notwithstanding any other provision of law, associates and
4 applicants for examination shall receive a minimum of one hour
5 of supervision per week for each setting in which he or she is
6 working.

7 SEC. 30. Section 4998 of the Business and Professions Code
8 is amended to read:

9 4998. A licensed clinical social worker corporation is a
10 corporation that is authorized to render professional services, as
11 defined in Section 13401 of the Corporations Code, so long as that
12 corporation and its shareholders, officers, directors, and employees
13 rendering professional services who are licensed clinical social
14 workers, physicians and surgeons, psychologists, licensed
15 professional clinical counselors, licensed marriage and family
16 therapists, registered nurses, chiropractors, or acupuncturists are
17 in compliance with the Moscone-Knox Professional Corporation
18 Act (Part 4 (commencing with Section 13400) of Division 3 of
19 Title 1 of the Corporations Code), this article, and all other statutes
20 and regulations now or hereafter enacted or adopted pertaining to
21 that corporation and the conduct of its affairs. With respect to a
22 licensed clinical social worker corporation, the governmental
23 agency referred to in the Moscone-Knox Professional Corporation
24 Act is the Board of Behavioral Sciences.

25 SEC. 31. Section 4999.55 of the Business and Professions
26 Code is amended to read:

27 4999.55. (a) Each applicant and registrant shall obtain a
28 passing score on a board-administered California law and ethics
29 examination in order to qualify for licensure.

30 (b) A registrant shall participate in a board-administered
31 California law and ethics examination prior to his or her registration
32 renewal.

33 (c) Notwithstanding subdivision (b), an applicant who holds a
34 registration eligible for renewal, with an expiration date no later
35 than June 30, 2016, and who applies for renewal of that registration
36 between January 1, 2016, and June 30, 2016, shall, if eligible, be
37 allowed to renew the registration without first participating in the
38 California law and ethics examination. These applicants shall
39 participate in the California law and ethics examination in the next
40 renewal cycle, and shall pass the examination prior to licensure or

1 issuance of a subsequent registration number, as specified in this
2 section.

3 (d) If an applicant fails the California law and ethics
4 examination, he or she may retake the examination, upon payment
5 of the required fees, without further application, except as provided
6 in subdivision (e).

7 (e) If a registrant fails to obtain a passing score on the California
8 law and ethics examination described in subdivision (a) within his
9 or her renewal period on or after the operative date of this section,
10 he or she shall complete, at minimum, a 12-hour course in
11 California law and ethics in order to be eligible to participate in
12 the California law and ethics examination. Registrants shall only
13 take the 12-hour California law and ethics course once during a
14 renewal period. The 12-hour law and ethics course required by
15 this section shall be taken through a board-approved continuing
16 education provider, a county, state, or governmental entity, or a
17 college or university.

18 (f) The board shall not issue a subsequent registration number
19 unless the registrant has passed the California law and ethics
20 examination.

21 (g) Notwithstanding subdivision (f), an applicant who holds or
22 has held a registration, with an expiration date no later than January
23 1, 2017, and who applies for a subsequent registration number
24 between January 1, 2016, and January 1, 2017, shall, if eligible,
25 be allowed to obtain the subsequent registration number without
26 first passing the California law and ethics examination. These
27 applicants shall pass the California law and ethics examination
28 during the next renewal period or prior to licensure, whichever
29 occurs first.

30 (h) This section shall become operative January 1, 2016.

31 SEC. 32. Section 4999.58 of the Business and Professions
32 Code is amended to read:

33 4999.58. (a) This section applies to a person who applies for
34 examination eligibility between January 1, 2011, and December
35 31, 2015, inclusive, and who meets both of the following
36 requirements:

37 (1) At the time of application, holds a valid license as a
38 professional clinical counselor, or other counseling license that
39 allows the applicant to independently provide clinical mental health
40 services, in another jurisdiction of the United States.

1 (2) Has held the license described in paragraph (1) for at least
2 two years immediately preceding the date of application.

3 (b) The board may issue a license to a person described in
4 subdivision (a) if all of the following requirements are satisfied:

5 (1) The education and supervised experience requirements of
6 the other jurisdiction are substantially the equivalent of this chapter,
7 as described in subdivision (e) and in Section 4999.46.

8 (2) The person complies with subdivision (b) of Section 4999.40,
9 if applicable.

10 (3) The person successfully completes the examinations required
11 by the board pursuant to paragraph (3) of subdivision (a) of Section
12 4999.50. An applicant who obtained his or her license or
13 registration under another jurisdiction by taking a national
14 examination that is required by the board may apply for licensure
15 with the board without retaking that examination if both of the
16 following conditions are met:

17 (A) The applicant obtained a passing score on the national
18 licensing examination that is required by the board.

19 (B) The applicant's license or registration in that jurisdiction is
20 in good standing at the time of his or her application and is not
21 revoked, suspended, surrendered, denied, or otherwise restricted
22 or encumbered.

23 (4) The person pays the required fees.

24 (c) Experience gained outside of California shall be accepted
25 toward the licensure requirements if it is substantially equivalent
26 to that required by this chapter. The board shall consider hours of
27 experience obtained in another state during the six-year period
28 immediately preceding the applicant's initial licensure by that state
29 as a licensed professional clinical counselor.

30 (d) Education gained while residing outside of California shall
31 be accepted toward the licensure requirements if it is substantially
32 equivalent to the education requirements of this chapter, and if the
33 applicant has completed the training or coursework required under
34 subdivision (e) of Section 4999.32, which includes, in addition to
35 the course described in subparagraph (I) of paragraph (1) of
36 subdivision (c) of Section 4999.32, an 18-hour course in California
37 law and professional ethics for professional clinical counselors.

38 (e) For purposes of this section, the board may, in its discretion,
39 accept education as substantially equivalent if the applicant's
40 education meets the requirements of Section 4999.32. If the

1 applicant's degree does not contain the content or the overall units
2 required by Section 4999.32, the board may, in its discretion, accept
3 the applicant's education as substantially equivalent if the following
4 criteria are satisfied:

5 (1) The applicant's degree contains the required number of
6 practicum units under paragraph (3) of subdivision (c) of Section
7 4999.32.

8 (2) The applicant remediates his or her specific deficiency by
9 completing the course content and units required by Section
10 4999.32.

11 (3) The applicant's degree otherwise complies with this section.

12 (f) This section shall become inoperative on January 1, 2016,
13 and as of that date is repealed, unless a later enacted statute, which
14 is enacted before January 1, 2016, deletes or extends that date.

15 *SEC. 32.5. Section 4999.58 of the Business and Professions*
16 *Code is amended to read:*

17 4999.58. (a) This section applies to a person who applies for
18 examination eligibility between January 1, 2011, and December
19 31, 2015, inclusive, and who meets both of the following
20 requirements:

21 (1) At the time of application, holds a valid license as a
22 professional clinical counselor, or other counseling license that
23 allows the applicant to independently provide clinical mental health
24 services, in another jurisdiction of the United States.

25 (2) Has held the license described in paragraph (1) for at least
26 two years immediately preceding the date of application.

27 (b) The board may issue a license to a person described in
28 subdivision (a) if all of the following requirements are satisfied:

29 (1) The education and supervised experience requirements of
30 the other jurisdiction are substantially the equivalent of this chapter,
31 as described in subdivision (e) and in Section 4999.46.

32 (2) The person complies with subdivision (b) of Section 4999.40,
33 if applicable.

34 (3) The person successfully completes the examinations required
35 by the board pursuant to paragraph (3) of subdivision (a) of Section
36 4999.50. An applicant who obtained his or her license or
37 registration under another jurisdiction by taking a national
38 examination that is required by the board may apply for licensure
39 with the board without retaking that examination if both of the
40 following conditions are met:

1 (A) The applicant obtained a passing score on the national
2 licensing examination that is required by the board.

3 (B) The applicant's license or registration in that jurisdiction is
4 in good standing at the time of his or her application and ~~has is~~
5 ~~not been~~ revoked, suspended, surrendered, denied, or otherwise
6 restricted or ~~encumbered as a result of any disciplinary proceeding~~
7 ~~brought by the licensing authority of that jurisdiction.~~ *encumbered.*

8 (4) The person pays the required fees.

9 (c) Experience gained outside of California shall be accepted
10 toward the licensure requirements if it is substantially equivalent
11 to that required by this chapter. The board shall consider hours of
12 experience obtained in another state during the six-year period
13 immediately preceding the applicant's initial licensure by that state
14 as a licensed professional clinical counselor. *If the applicant has*
15 *less than 3,000 hours of qualifying supervised experience, time*
16 *actively licensed as a licensed professional clinical counselor shall*
17 *be accepted at a rate of 100 hours per month up to a maximum of*
18 *1,200 hours.*

19 (d) (1) Education gained while residing outside of California
20 shall be accepted toward the licensure requirements if it is
21 substantially equivalent to the education requirements of this
22 chapter, and if the applicant has completed the training or
23 coursework required under subdivision (e) of Section ~~4999.32,~~
24 ~~which includes, in addition to the course described in subparagraph~~
25 ~~(I) of paragraph (1) of subdivision (c) of Section 4999.32, an~~
26 ~~18-hour course in California law and professional ethics for~~
27 ~~professional clinical counselors.~~ *4999.32.*

28 (2) *An applicant who completed a course that meets the*
29 *requirements of subparagraph (I) of paragraph (1) of subdivision*
30 *(c) of Section 4999.32, and that included instruction in California*
31 *law and ethics, is exempt from taking the 18-hour course specified*
32 *in paragraph (6) of subdivision (e) of Section 4999.32.*

33 (e) For purposes of this section, the board may, in its discretion,
34 accept education as substantially equivalent if the applicant's
35 education meets the requirements of Section 4999.32. If the
36 applicant's degree does not contain the content or the overall units
37 required by Section 4999.32, the board may, in its discretion, accept
38 the applicant's education as substantially equivalent if the following
39 criteria are satisfied:

1 (1) The applicant's degree contains the required number of
2 practicum units under paragraph (3) of subdivision (c) of Section
3 4999.32.

4 (2) The applicant remediates his or her specific deficiency by
5 completing the course content and units required by Section
6 4999.32.

7 (3) The applicant's degree otherwise complies with this section.

8 (f) This section shall become inoperative on January 1, 2016,
9 and as of that date is repealed, unless a later enacted statute, which
10 is enacted before January 1, 2016, deletes or extends that date.

11 SEC. 33. Section 4999.59 of the Business and Professions
12 Code is amended to read:

13 4999.59. (a) This section applies to a person who applies for
14 examination eligibility or registration between January 1, 2011,
15 and December 31, 2015, inclusive, who meets both of the following
16 requirements:

17 (1) At the time of application, holds a valid license described
18 in paragraph (1) of subdivision (a) of Section 4999.58.

19 (2) Has held the license described in paragraph (1) for less than
20 two years immediately preceding the date of application.

21 (b) Experience gained outside of California shall be accepted
22 toward the licensure requirements if it is substantially equivalent
23 to that required by this chapter, if the applicant complies with
24 Section 4999.40, if applicable, and if the applicant has gained a
25 minimum of 250 hours of supervised experience in direct
26 counseling within California while registered as an intern with the
27 board. The board shall consider hours of experience obtained in
28 another state during the six-year period immediately preceding the
29 applicant's initial licensure in that state as a professional clinical
30 counselor.

31 (c) Education gained while residing outside of California shall
32 be accepted toward the licensure requirements if it is substantially
33 equivalent to the education requirements of this chapter, and if the
34 applicant has completed the training or coursework required under
35 subdivision (e) of Section 4999.32, which includes, in addition to
36 the course described in subparagraph (I) of paragraph (1) of
37 subdivision (c) of Section 4999.32, an 18-hour course in California
38 law and professional ethics for professional clinical counselors.

39 (d) For purposes of this section, the board may, in its discretion,
40 accept education as substantially equivalent if the applicant's

1 education meets the requirements of Section 4999.32. If the
2 applicant's degree does not contain the content or the overall units
3 required by Section 4999.32, the board may, in its discretion, accept
4 the applicant's education as substantially equivalent if the following
5 criteria are satisfied:

6 (1) The applicant's degree contains the required number of
7 practicum units under paragraph (3) of subdivision (c) of Section
8 4999.32.

9 (2) The applicant remediates his or her specific deficiency by
10 completing the course content and units required by Section
11 4999.32.

12 (3) The applicant's degree otherwise complies with this section.

13 (e) An applicant who obtained his or her license or registration
14 under another jurisdiction by taking a national examination that
15 is required by the board may apply for licensure with the board
16 without retaking that examination if both of the following
17 conditions are met:

18 (1) The applicant obtained a passing score on the national
19 licensing examination that is required by the board.

20 (2) The applicant's license or registration in that jurisdiction is
21 in good standing at the time of his or her application and is not
22 revoked, suspended, surrendered, denied, or otherwise restricted
23 or encumbered.

24 (f) This section shall become inoperative on January 1, 2016,
25 and as of that date is repealed, unless a later enacted statute, which
26 is enacted before January 1, 2016, deletes or extends that date.

27 *SEC. 33.5. Section 4999.59 of the Business and Professions*
28 *Code is amended to read:*

29 4999.59. (a) This section applies to a person who applies for
30 examination eligibility or registration between January 1, 2011,
31 and December 31, 2015, inclusive, who meets both of the following
32 requirements:

33 (1) At the time of application, holds a valid license described
34 in paragraph (1) of subdivision (a) of Section 4999.58.

35 (2) Has held the license described in paragraph (1) for less than
36 two years immediately preceding the date of application.

37 (b) Experience gained outside of California shall be accepted
38 toward the licensure requirements if it is substantially equivalent
39 to that required by this chapter, if the applicant complies with
40 Section 4999.40, if applicable, and if the applicant has gained a

1 minimum of 250 hours of supervised experience in direct
2 counseling within California while registered as an intern with the
3 board. The board shall consider hours of experience obtained in
4 another state during the six-year period immediately preceding the
5 applicant's initial licensure in that state as a professional clinical
6 counselor. *If the applicant has less than 3,000 hours of qualifying*
7 *supervised experience, time actively licensed as a licensed*
8 *professional clinical counselor shall be accepted at a rate of 100*
9 *hours per month up to a maximum of 1,200 hours.*

10 (c) (1) Education gained while residing outside of California
11 shall be accepted toward the licensure requirements if it is
12 substantially equivalent to the education requirements of this
13 chapter, and if the applicant has completed the training or
14 coursework required under subdivision (e) of Section 4999.32,
15 ~~which includes, in addition to the course described in subparagraph~~
16 ~~(f) of paragraph (1) of subdivision (c) of Section 4999.32, an~~
17 ~~18-hour course in California law and professional ethics for~~
18 ~~professional clinical counselors. 4999.32.~~

19 (2) *An applicant who completed a course that meets the*
20 *requirements of subparagraph (f) of paragraph (1) of subdivision*
21 *(c) of Section 4999.32, and that included instruction in California*
22 *law and ethics, is exempt from taking the 18-hour course specified*
23 *in paragraph (6) of subdivision (e) of Section 4999.32.*

24 (d) For purposes of this section, the board may, in its discretion,
25 accept education as substantially equivalent if the applicant's
26 education meets the requirements of Section 4999.32. If the
27 applicant's degree does not contain the content or the overall units
28 required by Section 4999.32, the board may, in its discretion, accept
29 the applicant's education as substantially equivalent if the following
30 criteria are satisfied:

31 (1) The applicant's degree contains the required number of
32 practicum units under paragraph (3) of subdivision (c) of Section
33 4999.32.

34 (2) The applicant remediates his or her specific deficiency by
35 completing the course content and units required by Section
36 4999.32.

37 (3) The applicant's degree otherwise complies with this section.

38 (e) An applicant who obtained his or her license or registration
39 under another jurisdiction by taking a national examination that
40 is required by the board may apply for licensure with the board

1 without retaking that examination if both of the following
2 conditions are met:

3 (1) The applicant obtained a passing score on the national
4 licensing examination that is required by the board.

5 (2) The applicant's license or registration in that jurisdiction is
6 in good standing at the time of his or her application and ~~has is~~
7 ~~not been~~ revoked, suspended, surrendered, denied, or otherwise
8 restricted or ~~encumbered as a result of any disciplinary proceeding~~
9 ~~brought by the licensing authority of that jurisdiction.~~ *encumbered.*

10 (f) This section shall become inoperative on January 1, 2016,
11 and as of that date is repealed, unless a later enacted statute, which
12 is enacted before January 1, 2016, deletes or extends that date.

13 SEC. 34. Section 4999.60 of the Business and Professions
14 Code is amended to read:

15 4999.60. (a) This section applies to persons who are licensed
16 outside of California and apply for examination eligibility on or
17 after January 1, 2016.

18 (b) The board may issue a license to a person who, at the time
19 of submitting an application for a license pursuant to this chapter,
20 holds a valid license as a professional clinical counselor, or other
21 counseling license that allows the applicant to independently
22 provide clinical mental health services, in another jurisdiction of
23 the United States, if all of the following conditions are satisfied:

24 (1) The applicant's education is substantially equivalent, as
25 defined in Section ~~4999.62~~ 4999.63.

26 (2) The applicant complies with subdivision (b) of Section
27 4999.40, if applicable.

28 (3) The applicant's supervised experience is substantially
29 equivalent to that required for a license under this chapter. The
30 board shall consider hours of experience obtained outside of
31 California during the six-year period immediately preceding the
32 date the applicant initially obtained the license described above.

33 (4) The applicant passes the examinations required to obtain a
34 license under this chapter. An applicant who obtained his or her
35 license or registration under another jurisdiction may apply for
36 licensure with the board without taking the clinical examination
37 if both of the following conditions are met:

38 (A) The applicant obtained a passing score on the licensing
39 examination set forth in regulation as accepted by the board.

(B) The applicant's license or registration in that jurisdiction is in good standing at the time of his or her application and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

SEC. 34.5. Section 4999.60 of the Business and Professions Code is amended to read:

4999.60. (a) This section applies to persons who are licensed outside of California and apply for examination eligibility on or after January 1, 2016.

(b) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license as a professional clinical counselor, or other counseling license that allows the applicant to independently provide clinical mental health services, in another jurisdiction of the United States, if all of the following conditions are satisfied:

(1) The applicant's education is substantially equivalent, as defined in Section 4999.62 4999.63.

(2) The applicant complies with subdivision (b) of Section 4999.40, if applicable.

(3) The applicant's supervised experience is substantially equivalent to that required for a license under this chapter. The board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above.

If the applicant has less than 3,000 hours of qualifying supervised experience, time actively licensed as a professional clinical counselor shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours if the applicant's degree meets the practicum requirement described in subparagraph (C) of paragraph (1) of subdivision (b) of Section 4999.63 without exemptions or remediation.

(4) The applicant passes the examinations required to obtain a license under this chapter. An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination if both of the following conditions are met:

(A) The applicant obtained a passing score on the licensing examination set forth in regulation as accepted by the board.

(B) The applicant's license or registration in that jurisdiction is in good standing at the time of his or her application and ~~has~~ is

1 not ~~been~~ revoked, suspended, surrendered, denied, or otherwise
2 restricted or ~~encumbered as a result of any disciplinary proceeding~~
3 ~~brought by the licensing authority of that jurisdiction.~~ *encumbered.*

4 SEC. 35. Section 4999.123 of the Business and Professions
5 Code is amended to read:

6 4999.123. A professional clinical counselor corporation is a
7 corporation that is authorized to render professional services, as
8 defined in Section 13401 of the Corporations Code, so long as that
9 corporation and its shareholders, officers, directors, and employees
10 who are rendering professional services and who are licensed
11 professional clinical counselors, licensed marriage and family
12 therapists, physicians and surgeons, psychologists, licensed clinical
13 social workers, registered nurses, chiropractors, or acupuncturists,
14 are in compliance with the Moscone-Knox Professional
15 Corporation Act (Part 4 (commencing with Section 13400) of
16 Division 3 of Title 1 of the Corporations Code), this article, and
17 any other statute or regulation pertaining to that corporation and
18 the conduct of its affairs. With respect to a professional clinical
19 counselor corporation, the term “governmental agency” in the
20 Moscone-Knox Professional Corporation Act (Part 4 (commencing
21 with Section 13400) of Division 3 of Title 1 of the Corporations
22 Code) shall be construed to mean the Board of Behavioral Sciences.

23 SEC. 36. Section 14132.55 of the Welfare and Institutions
24 Code is amended to read:

25 14132.55. For the purposes of reimbursement under the
26 Medi-Cal program, a speech pathologist or audiologist shall be
27 licensed by the Speech-Language Pathology and Audiology
28 Examining Committee of the Medical Board of California or
29 similarly licensed by a comparable agency in the state in which
30 he or she practices. Licensed speech-language pathologists or
31 licensed audiologists are authorized to utilize and shall be
32 reimbursed for the services of those personnel in the process of
33 completing requirements under the provisions of subdivision (c)
34 of Section 2532.2 of the Business and Professions Code.

35 SEC. 37. *Section 22.5 of this bill incorporates amendments to*
36 *Section 4980.72 of the Business and Professions Code proposed*
37 *by both this bill and Assembly Bill 2213. It shall only become*
38 *operative if (1) both bills are enacted and become effective on or*
39 *before January 1, 2015, (2) each bill amends Section 4980.72 of*
40 *the Business and Professions Code, and (3) this bill is enacted*

1 after Assembly Bill 2213, in which case Section 22 of this bill shall
2 not become operative.

3 SEC. 38. Section 23.5 of this bill incorporates amendments to
4 Section 4980.78 of the Business and Professions Code proposed
5 by both this bill and Assembly Bill 2213. It shall only become
6 operative if (1) both bills are enacted and become effective on or
7 before January 1, 2015, (2) each bill amends Section 4980.78 of
8 the Business and Professions Code, and (3) this bill is enacted
9 after Assembly Bill 2213, in which case Section 23 of this bill shall
10 not become operative.

11 SEC. 39. Section 32.5 of this bill incorporates amendments to
12 Section 4999.58 of the Business and Professions Code proposed
13 by both this bill and Assembly Bill 2213. It shall only become
14 operative if (1) both bills are enacted and become effective on or
15 before January 1, 2015, (2) each bill amends Section 4999.58 of
16 the Business and Professions Code, and (3) this bill is enacted
17 after Assembly Bill 2213, in which case Section 32 of this bill shall
18 not become operative.

19 SEC. 40. Section 33.5 of this bill incorporates amendments to
20 Section 4999.59 of the Business and Professions Code proposed
21 by both this bill and Assembly Bill 2213. It shall only become
22 operative if (1) both bills are enacted and become effective on or
23 before January 1, 2015, (2) each bill amends Section 4999.59 of
24 the Business and Professions Code, and (3) this bill is enacted
25 after Assembly Bill 2213, in which case Section 33 of this bill shall
26 not become operative.

27 SEC. 41. Section 34.5 of this bill incorporates amendments to
28 Section 4999.60 of the Business and Professions Code proposed
29 by both this bill and Assembly Bill 2213. It shall only become
30 operative if (1) both bills are enacted and become effective on or
31 before January 1, 2015, (2) each bill amends Section 4999.60 of
32 the Business and Professions Code, and (3) this bill is enacted
33 after Assembly Bill 2213, in which case Section 34 of this bill shall
34 not become operative.

35 ~~SEC. 37.~~

36 SEC. 42. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

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